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Viewpoint:
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New Spotlight's Investigation: **Nepalgunj Municipality**
Politics: Time Bomb

Face to face:
Rajendra Mahato

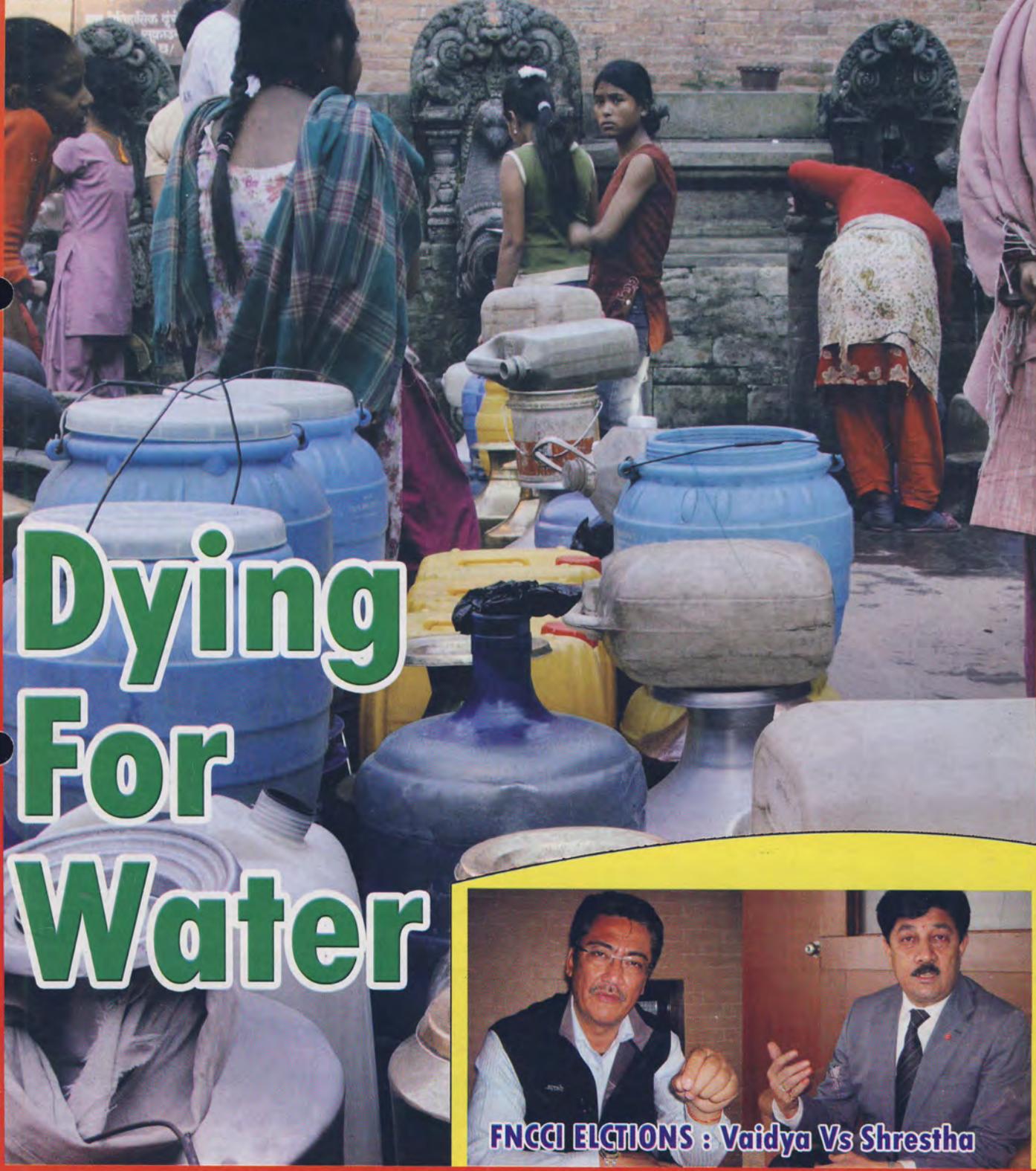


NEW SPOTLIGHT

March, 25 April -07, 2011

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FORTNIGHTLY



Dying For Water



FNCCI ELECTIONS : Vaidya Vs Shrestha



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From The Editor

We have given enough space to politics all the time. But this week will be a break. The looming drinking water crisis deserves a close look. For many years, we have been harping on the slogan of 'water for all'. Yet, half the population of Nepal goes without safe drinking water. Despite the government claim that 80 percent of the population has access to water, the quality of water has always been questionable. Diarrhea, caused by contaminated water, continues to be a major killer of poor people in the country. Every year, April and May create a havoc in far and mid west. Diarrhea took epidemic proportions there just the year before. In the midst of political instability and chaos, water quality and its consequences were simply drowned out. The cover article, along with related pieces, assesses the situation.

Another concern of growing public interest after the major earthquake in Japan is Nepal's preparedness for a similar disaster. Situated in an active quake zone, Nepal should learn lessons from Japanese people and government preparing for and coping with quakes. As scientific community has the habit of predicting a major quake as due for our part of the world, we have taken up this topic to assess how well prepared we are. In Kathmandu valley, a major quake, experts argue, may kill more than half a million people. Japan is gradually recovering from the devastating earthquake and nuclear plant accident caused by it. We are with the government and people of Japan at this critical juncture and wish for return of early normalcy in that country

Keshab Poudel
Editor

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Pakistan Day Celebration

Pakistan Embassy celebrated Pakistan National Day by hosting a



reception. Chairma of Constituent Assembly Subahs Chandra Nembang and Deputy prime minister Krishna Bahadur Mahara were chief guest. Hosted by Pakistan's ambassador to Nepal Syed Abrar Hussain a large number of diplomats, scholars and peoples from various walks of life attended the reception.

In the morning ambassador Hussain also hoisted Pakistan's national flag at Emabssy's premises. Pakistani Community in Nepal took part in the event.

as for the peace and prosperity and progress of Bangladesh.

In the discussion meeting Govinda Sharma, Principal of Universal College and Preparatory School and Ambassador of Bangladesh to Nepal Dr. Neem Chandra Bhowmik, among others, highlighted the contribution of Bangabandhu towards achieving the independence of Bangladesh.

Documentary Released

British Council Climate Champion, Sunita KC released her documentary - 'the silent sufferers of climate change' at the British Council. Her documentary grasped how climate change is affecting the life of common people and farmers.

Indian Aid For Bridge Construction

Ambassador of India to Nepal Rakesh Sood handed over a cheque of NRs. 545.35 million to Deputy Prime Minister and Minister of Finance, Commerce & Supplies, Energy and Irrigation Hon'ble Mr. Bharat Mohan Adhikari as India's contribution towards construction of embankments along Lalbakeya, Bagmati and Kamla rivers in Nepal which is being undertaken in accordance with the decisions made by the India-Nepal Joint Committee on Inundation and Flood Management.

India has been providing assistance to Nepal for strengthening and extension of embankments along Lalbakeya, Bagmati and Kamla rivers. With the present assistance, the total grant assistance already disbursed for embankment construction along these rivers, stands at NRs. 2023.35 million, of which NRs. 165.5 million was released in 2008, NRs. 531.5 million in 2009, and NRs. 599.78 million in 2010.

Meanwhile, a Memorandum of Understanding (MoU) was signed on 17th March 2011 by the Embassy of India, Kathmandu with the Ministry of Physical Planning and Works, Department of Roads, Division Office, Dhanusha for providing Govt. of India grant assistance of NRs. 2.68 crores for construction of a bridge over Jamuni River along Jhoji Kataiya-Lohana- Janakpur Road and Construction of a Slab-Culvert over Jalad Khola under Nepal-India Economic Cooperation Programme. This is the seventeenth development project in the

Program On Constitution Making

Various speakers discussed the ongoing constitution making process at a function organised by Department of Constitutional Law of Nepal Law Campus and Friedrich-Ebert-Stiftung. Eminent constitutional lawyers and political leaders took part in the seminar.

Moderated by associate professor and department chief Ganesh Dutta Bhatta, former chief of Commission of Investigation of Abuse of Authority CIAA Suryanath Upadhyaya and associate professor of Nepal Campus Surya Man Shakya presented papers. Former speaker Damannath Dhungana, member of Constituent Assembly Ramesh Lekhak and Dean of Law Faculty professor doctor Amber Prasad Panta were commentators. Participants raised various questions on the paper at the program titled Dialogue on the Challenges of Constitution Making. Head of FES-Nepal Dev Raj Dahal welcomed the participants.

UK Announces New Visa Rule

The Home Minister has announced the results of an extensive consultation process on student visas: reforms that minimize abuse while building on the global reputation of the UK as a provider of high-quality education.

According to press release of British Embassy, the main changes announced are as follows: Tougher rules for UK education institutions wanting to be sponsors, those coming to study at degree level will have to speak a higher level of English than before, Only students at

universities and publicly-funded further education colleges will retain the right to work, only government-sponsored students, and certain postgraduate students, will be able to bring their dependants, there will be a limit on the overall time that can be spent on a student visa in the UK, graduates can still work, but will now have to secure a skilled job with a Tier 2 sponsor

Bangabandhu's Birth Anniversary Observed

The 91st birth anniversary of the Father of the Nation of Bangladesh Bangabandhu Sheikh Mujibur Rahman, architect of the nation's independence, and National Children's Day was observed by the Embassy of Bangladesh in Nepal in a befitting manner by organizing various functions. The functions, held within the Embassy premises, included paying homage to Bangabandhu by placing the wreaths to the portrait of Bangabandhu, special prayer, discussion on the significance of the day, and cultural programme.

The programme started with recitation from holy Quran. The Ambassador of Bangladesh to Nepal Dr. Neem Chandra Bhowmik paid homage to Father of the Nation Bangabandhu Sheikh Mujibur Rahman on his 91st birth anniversary by placing wreaths at his portrait. Special prayers were offered seeking divine blessings for the eternal peace of the departed soul of the Father of the Nation Bangabandhu Sheikh Mujibur Rahman who was assassinated on the fateful night of August 15 along with most of his family members as well



Dhanusha District being undertaken with the assistance of Govt. of India.

The Jamuni River is a perennial river that flows North-South through alluvial plains at Jhoji-Kataiya and Lohana VDCs. During monsoon, 8 VDCs (Jhoji-Kataiya, Dhnauji, Iterwa, Bhadariya, Lakhauri, Kharihani, Tarahi and Gordaha) remain disconnected with the rest of the district due to flooding in the river. The proposed bridge over the Jamuni River being constructed with Govt. of India grant assistance will directly benefit over 70,000 people of 8 VDCs by providing all year connectivity with the district.

Similarly, during his recent visit to Palpa District, Rakesh Sood, Ambassador of India inaugurated the newly constructed campus building for Tansen Multiple Campus in Palpa District constructed with the Govt. of India grant assistance under the Nepal-India Economic Cooperation Programme.

In his address, Ambassador of India underlined the importance of India-Nepal Cooperation Programme as a cornerstone of the overall relationship between the two countries, and expressed the hope that various developments projects being implemented under the programme would help the people of Nepal in their stride towards peace and prosperity.

Regional Seminar On Armed Conflict

A three day long regional seminar for South and Southeast Asia on armed violence reduction and prevention was held (16 to 18 March 2011) in Kathmandu

The seminar was co-hosted by the UN Regional Centre for Peace and Disarmament in Asia and the Pacific (UNRCPD), together with the Government of Nepal and financially supported by the Government of Switzerland.

The opening of the regional seminar was addressed by Minister Barsa Man Pun. The seminar was attended by high-level representatives from 17 countries from South and Southeast Asia, as well as the United Nations, the South Asian Association for Regional Cooperation (SAARC), the Association of Southeast Asian Nations (ASEAN), and civil society organizations.

Indian Ambassador Provides Scholarship

At a felicitation function held at Hotel Radisson, Kathmandu on March 11, 2011, Ambassador of India to Nepal Rakesh Sood presented Certificates of Merit to Nepali students of the 9th Batch of Golden Jubilee Scholarship Scheme awarded by the Government of India. The Golden Jubilee Scholarship Scheme was launched by Government of India in 2002 to commemorate 50 years of Economic Cooperation between India and Nepal. At the inception of this scheme, 50 Nepalese students undertaking different undergraduate courses in Nepal were awarded the scholarship. Since the year 2007, the number of scholarships has been doubled to 100.

Consultation Explores Adolescents Issues

The State of the World's Children (SOWC) 2011 was launched in Nepal on March 11 by adolescents at a function organized in Mangalsen, the Headquarter of Achham District. Young people who gathered there for the week as part of a UNICEF consultation to discuss and explore issues that most affect them, planned the SOWC launch ceremony themselves. The UNICEF report entitled 'Adolescence: An Age of Opportunity' concludes that investing in the world's 1.2 billion adolescents aged 10-19 now, can break entrenched cycles of poverty and inequity.

The launch in Nepal was chaired by 13-year-old Jawa Khanal who had walked for two days to attend the consultation and launch. During the SOWC launch, teenage boys and girls enacted a short play that encapsulated the issues that they had decided were most important to them in the two day consultation. The issues included social and gender discrimination, child marriage, lack of

purchasing power, sexually transmitted diseases, substance abuse, and the inability to talk about their issues openly. The children also performed the traditional deuda dance that further highlighted these issues, mixing sharp modern messages with traditional modes of communication.

The launch ceremony was attended by district authorities including the Local Development Officer Mahendra Lal Shrestha, Constituent Assembly members Bhairey Kami and Sharad Singh Bhandari, and John Brittain, from UNICEF.

Finnish Funds To Improve Water & Sanitation

An agreement on 'Aligning for Action: Sanitation and Water for all in the Context of Climate Change in Nepal' was signed between the Government of the Republic of Finland and UNICEF in Kathmandu on March 15.

Kari Leppanen, Acting Charge d' Affaires of the Finnish Embassy and Ms. Gillian Mellsop, UNICEF Nepal Representative signed the agreement that outlines the Finnish Government's grant of Euro 9.8 million over five years for UNICEF Nepal's Water and Sanitation Programme.



The funds will help the formulation and development of a national WASH sector programme in Nepal. The programme will target the most marginalised and underserved people in the country by ensuring that access to improved sanitation and water supply systems is increased in these areas. The funds will also help develop the emergency preparedness and response capacity of the Government of Nepal, with contingency plans in all disaster prone districts.

Ashutosh In Young Global Honoree's List

Ashutosh Tiwari, the country representative of WaterAid Nepal and former chief executive officer of Himal Media, has been included in the list of 2011 Young Global Leaders Honorees.

Tiwari is one of the 190 honorees from across the world and the only leader from Nepal to make it to the list.

The forum of Young Global Leaders (YGL), according to the World Economic Forum Website, 'is a unique, multi-stakeholder community of more than 700 exceptional young leaders who share a commitment to shaping the global future.'



Ashutosh Tiwari

A part of the World Economic Forum, YGL was established in 2005 comprising leaders under 40 years of age from multidisciplinary sectors.

Talking to New Spotlight, Tiwari said the onus of enlisting him for the award on his "organizational leadership." Knowing strengths and weaknesses are key traits of a leader," said Tiwari.

The YGL leaders are selected through a competitive process and include leaders from politics, civil society, academia, and from arts and culture across seven geographic regions-East Asia, South Asia, Europe, Middle East, North Africa, sub-Saharan Africa, North America and Latin America.

The leaders are questioned on various issues related to leadership such as the characteristics of the next generation of leaders and their challenges and opportunities during the selection process.

According to Tiwari, in the context of Nepal, one of the major challenges facing Nepali leaders-in any sector-is good governance.

Being a part of the 190 leaders from all across the globe in the class of 2011 YGL, Tiwari said he needs to gear up to meet the expectations. According to Tiwari, he will be working toward the Millennium Development Goals and advocate for water and sanitation related issues.

As a founder of Entrepreneurs for Nepal, a network of 3,000 young Nepali entrepreneurs, Tiwari also seeks to help in the growth of social entrepreneurship that he opines would motivate the future generation of leaders to help solve social problems.

Economic Deprivation Pushing Suicide

Rates

Around 10 Nepalis commit suicide everyday, says a report. The study by the police state that economic deprivation and unemployment are primary causes for suicides. The report based on the study of nearly three years by the police state that 9440 Nepalis committed suicide during that period. Of the total 4726 were women and 4714 were men. Majority of them - 5164 committed suicide by hanging themselves while 3556 consumed poison to take their lives. The study revealed that 40 percent of those who committed suicide did so out of economic problems while 25 percent were found to be unemployed. Around 15 percent of the incidents were caused by domestic violence and 20 percent by mental problem.

Wagle Chooses Extended Jail Term Over Fines

Former minister Chiranjeevi Wagle is said to have chosen to accept extended jail term instead of paying the fines slapped by the Supreme Court (SC) that sentenced it to prison on conviction of corruption charges. The apex court had sentenced him to one and a half year of prison and slapped him with Rs 20 million of fine. But Wagle has opted to stay in prison for extended period rather than pay the fine. And as per the laws, notwithstanding the amount of fine, the maximum extended sentence in exchange of non-payment cannot exceed 4 years. As such, Wagle will end up earning Rs 422,620 a month by staying in jail. Authorities say that the convicts could similarly misuse the lax legal provision that can allow them to stay in jails for short time instead of paying fines.

Pro-Maoist Splinter Outfits Rush To Agitate

The three splinters of the pro-Maoist trade union outfit have indicated that they will soon be agitating simultaneously. After the announcement by the Shaligram Jammakattel faction close to Maoist chairman Prachanda to start agitation after a week if the minimum pay is not increased to Rs 10,000; the Badri Bajgain faction close to vice chairman Mohan Baidya has also made similar announcement. It has accused the Jammakattel faction of selling out on the workers' interest. The third faction led by Laldhoj Nemwang close to another vice chairman Baburam Bhattarai, too, is in a mood to agitate - if for nothing else then to show its presence. ■

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नेपाल टेलिकम



'Menon Given Charge Of Nepal Affairs'

The Indian government has given the charge of dealing with the Nepal affairs to national security advisor Shiv Shankar Menon. He has been asked to take initiative to resolve the issues with Nepal and end the recent gap with the Nepalese government. This was revealed during a meeting between the prime minister Man Mohan Singh and leader of an opposition alliance



Shiv Shankar Menon

member, Sharad Yadav. Menon was present during the meeting between Singh and the Janata Dal (United) leader. Sources close to the JDU quoted Singh as receiving reports, in response to Yadav's suggestion to engage the Nepalese Maoists to improve the relations with the Nepali people, that the Maoists have been following the path of the dictatorship of the proletariat instead of democracy. Sources said that Menon has been assigned the task of improving the relations with the Nepalese Maoists. But they pointed out that Menon is considered to be tough on the Maoists. (Naya Patrika, March 17)

Bharat Darshan

Former king Gyanendra returned from a week-long India visit without meeting any political leader. He had gone to Khajurao to attend a relative's wedding ceremony. He also visited some Hindu temples. Although this visit was limited to family and religious duties, it is learnt that the former king will be in India in April on a special visit which is expected to be politically significant.

Prime minister Jhalnath has been desperate to make arrangements for a visit to India as his first foreign outing after assuming the office. This followed the advice from his aides that first visit to India is crucial to prolong the life of the government. But he has been anxious as there has been no official invitation yet. He has been looking for proper channels to persuade India to extend the invitation.

The mystery behind the India visit by a big leader of a small party has not unfolded yet. In the Indian capital, Delhi,

former prime minister Surya Bahadur Thapa met, among others, the Indian prime minister Man Mohan Singh, Congress-I chairperson Sonia Gandhi, top opposition leaders and national security advisor Shiv Shankar Menon. Prior to departure from Nepal, he



Former King Gyanendra

had said that visit was for a regular health check up. But there is no information yet where did he undergo health check up and who checked him up nor was there any clue about his disease. (Ghatna ra Bichar, March 16) In another related development, three Madhesi leaders visited Delhi for political talks with top Indian leaders. They included the president of the Madhesi Janadhikar Forum-Loktantrik, Bijay Kumar Gachhchhdar, the president of the Terai Madhesh Loktantrik Party, Mahantha Thakur and the president of the Sadvabana Party, Rajendra Mahato. The three parties are in an alliance which has threatened a revolt in Madhesh if the region's demands are not met and a new constitution is not put in place within the extended deadline. For a change, the Maoist supremo Pushpa Kamal Dahal 'Prachanda' suddenly dashed to Singapore for talks with Chinese officials, according to sources. (Nagarik, March 17) He has ostensibly been invited to attend a function organised by a Chinese non-government organisation, but some newspapers quoted unnamed Maoist sources that Prachanda would be meeting the Indian intelligence officials in the south east Asian nation, the way he did last year. ■

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Bigger Than Life

By YUBA RAJ GHIMIRE



On March 21, an attempt by the Congress Party to have Sankha Park in the capital named after G P Koirala, was foiled by the local people. The party had not secured any permission to do so. Irate people also resisted the Party's move to have late G P K's statue installed there. Why did people react the way they did?

G P Koirala died last year aged 85. He played important or leading role in country's politics, especially during the movement of 2006. He had his success and failure. He was known for his adventurism in politics. But he was never rated as a leader who valued morality in politics. Nor was he a firm believer of probity in public life.

Therefore, people will be judging him both as a Hero and a villain.

Those who delink his role of the past-especially when he was in power-from his crusade for restoration of parliament that ultimately succeeded in April 2006 four years after its dissolution would no doubt consider him a hero. But unfortunately, democracy is also all about accountability. As the Prime Minister and acting head of the state for two years following parliament's revival, should or should not G P be held accountable for the current mess the country is in?

This is an answer the Nepali Congress, his heir in the family Sujata Koirala, and Sushil Koirala who succeeded him as the President of the Nepali Congress, have to respond to the people, especially the ones who opposed installation of G P's statue and park named after him.

This also raises a question that needs an answer. Are there laws governing use of public property by the followers of a particular leader? Or can it be used by the party and his/her followers at will? Or the cabinet needs to take appropriate decision for the purpose after a thorough assessment of the person's contribution to the nation and how much the nation owes to him.

G P Koirala, as a valiant fighter for democracy -first against

the Ranas, then against the Panchayat regime, again in 1990 and finally 2006 needs to be acknowledged and honoured by the country. But imposing him as a Hero by his family and the Party he headed are not the way to go about it. There are many dark side mired in mystery yet to be written about, except that G P Koirala himself has revealed it partly. That he had hijacked Nepal Airlines plane in the 70s keeping India's external intelligence agency chief informed, that he was involved in counterfeiting Indian currency and was considering smuggling uranium to Israel, obviously for clandestine manufacture of nuclear explosives are some of the revelations he made, glorifying his act as an acceptable means for establishing democracy in Nepal.

But how will these acts that he indulged in effect or inspire future generation? How will that be viewed by the Congress Party when it officially comes to their knowledge through G P's own account? And what will of all persons, his successor Sushil Koirala, think about it? Will the Nepali Congress have the courage to take official line on these issues? If the Nepali Congress responds these issues with silence, then the Party will have no future. G P Koirala-with all these revealed-will posthumously be the Hero and property of the Maoists more than that of the Nepali Congress.

In the eyes of some in the Nepali Congress, G P is a much bigger hero than B P if the impact -good or bad-brought by their

leadership is to be assessed. K P Bhattarai was a dismal failure in that sense because Bhattarai-invoking B P-kept opposing N C endorsing the republic agenda that G P vigorously pursued after Maoist Chief Prachanda promised that G P Koirala will be made the first President of the country once the Monarchy was abolished. The promise was not kept by the Maoists, and G P died a betrayed man.

Last is yet to be heard and spoken of G P as the policy he pursued, the changes he presided and the ambition he displayed has taken a heavy toll in the country, and that will continue to be part of future political debate in the country. ■



Late G.P. Koirala



PM Khanal (Left) and Prachanda

POLITICS

Time Bomb

As the constituent assembly braces to breathe its last despite moves to pump in artificial oxygen a political time bomb starts ticking

By SUSHIL SHARMA

Last week, an influential aide to a top leader sought his boss' permission for a foreign jaunt. The response: a flat NO.

"You can not leave the country for at least another two months," the most trusted aide, on whom the leader heavily depends, was told.

The precaution was understandable. As the constitution deadline draws closer, the next two months will be the most unpredictable time after the dawn of a republic.

The UML-led Maoist-dominated coalition has its eyes clearly set on extending the life of the constituent assembly for the second time.

Others and the factions within the governing parties are not too keen. The Madhesi outfits have even gone on to warn of resignation en-masse against such a move.

New constitution or not, the CA is almost bound to breathe its last. In the

next two months or so, bringing along a dangerous political vacuum.

It is this vacuum and a possible role he might be expected to play to fill it that the top leader had in mind when he refused to give a green signal to his trusted aide's foreign jaunt.

Having failed to steer the country through a critical transition to a peaceful and stable political journey, the major parties have also been bracing up for the inevitable.

The Maoist supremo Prachanda dashed off to Singapore for an unspecified meeting with unspecified people under the official banner of a dubious organization that had earlier last year provided him the opportunity to meet senior intelligence officials of another neighbour last year.

Having engineered the incumbent coalition, Prachanda might be inclined to see it complete the constitution and

peace process. He is not, according to the sources.

Wary that the credit will go to the prime minister Jhannath Khanal he is keen to bring him down and assume the mantle himself. Before the constitution deadline. Hence his feelers to the influential power centres at home and abroad.

As of now he has not been able to make much headway. Waiting for his failure is rival, Baburam Bhattarai, who has been pursuing a campaign to consolidate own position among the former rebel ranks.

If Bhattarai is seen to be strong enough to bulldoze his way and prevail over Prachanda and 'hardliner' Mohan Vaidya, the future path will be clear for him. But getting there appears to be too tough for him. And he is not too tough yet to get going.

There are many others, waiting in the wings as alternatives. It was not for nothing that former prime minister Surya Bahadur Thapa and the Madhesi leaders embarked on Delhi sojourns for political meetings and consultations. After all, Delhi continues to be the Mecca for the secular politicians of the erstwhile Hindu nation.

With prayers for a smooth and natural end to the political transition less likely to be answered, the new republic is set for a fresh bout of turmoil.

No wonder the aide to the top leader has been asked to stand by. ■

India Nepal Trade



By RAKESH SOOD

NICCI has made an important contribution in advancing India-Nepal trade and economic relations. Its 16 year old history parallels the continuing growth and diversification in India-Nepal commercial relations.

This relationship, characterized by open border and free movement of their people, was forged not after 1947 but much earlier. It is time tested and has proved to be mutually beneficial. It has thrown open opportunities for Nepalese people to study and work in India and for Indian entrepreneurs to explore economic opportunities in Nepal.

While I speak about the special relationship, I should add that with the special relationship come special responsibilities; whether it is in terms of mutual assistance or addressing mutual concerns. We are conscious of this fact. Since India's

Independence, we have extended extensive economic assistance to Nepal; we have granted Nepal special privileges in trade and commerce; and perhaps no other land-locked country in the world enjoys the same kind of transit facilities that have been provided by India to Nepal.

Today our assistance programme has its imprints in nearly all districts of Nepal, with over 400 projects under implementation having an outlay of more than NRs. 60 billion. In the last five years, our capacity building programme has benefitted over 9000 Nepali citizens, in government and in the private sector and students pursuing higher education. The concessional lines of credit of USD 350 million offered by India to the Government of Nepal will further augment our efforts to create development infrastructure.

Indian investors have also played a key role in the economic development in Nepal. They account for nearly 45 % of Nepal's foreign direct investment. They have brought in new technologies and management skills; they have made a significant contribution in terms of

revenues to the exchequer, import substitution, promoted Nepal's exports to India and provided direct employment to around 30000 Nepali citizens and indirect employment to more than twice that number.

Regrettably, what we have witnessed in the last decade is a deteriorating investment climate, sagging industrial confidence and departure of some of the Indian investors. Outstanding issues relating to some of the existing investments continue to hamper new investments. We also come across unsubstantiated media reports against Indian joint ventures in Nepal and in recent months some Indian companies have reported that they were being

necessary support from Government of Nepal in addressing these challenges would give confidence to the Indian authorities not to constrain or diminish the existing facilities enjoyed by Nepal.

My attention has been also drawn to the rampant practice of copying of popular Indian brands and trademarks by some unscrupulous Nepalese manufacturers with the intention of exploiting Indian brand reputation. Such infringement will neither help Nepal trade with India nor meet its external trade objectives, but it will certainly create doubts in the minds of the Indian business about the legal framework in Nepal on protection of intellectual property.

While India has been further widening the scope of privileges offered to Nepal as could be witnessed in the 2009 Trade Treaty, the last decade has seen a

significant erosion of margin of preference given by Government of Nepal on import of goods from India. This not only puts a question mark on our bilateral trading arrangement, but it is also hampering economic growth in Nepal by adding to inflation and making the critical inputs costlier.

I am convinced that the extensive privileges, facilities and assistance extended by India to Nepal, coupled with India's own economic growth and a market of 1.2 billion people, have a huge potential, to act as a catalyst for driving Nepalese economy towards high growth if these efforts are complemented by the Government of Nepal through renewed commitment, determination and firmness for improving the investment and business climate in Nepal. I can assure you that Government and people of India would not be found wanting in extending whatever help Nepal may require in this endeavour.

Sood is Indian Ambassador to Nepal. Excerpts of Ambassador's address at the Annual General Meeting of Nepal-India Chamber of Commerce & Industry (NICCI) on March 15, 2011

Today our assistance programme has its imprints in nearly all districts of Nepal, with over 400 projects under implementation having an outlay of more than NRs. 60 billion.

adversely discriminated in the public procurement. These combined factors are creating a negative perception among Indian companies about Nepal. Today, when Indian companies are actively pursuing investment opportunities across the globe and have committed US\$ 70 billion abroad in last 5 years, it is a sad reflection that no new major Indian investment has come to Nepal since 2003.

We continue to receive reports that the freedom of transit accorded to Nepal is being misused by some unscrupulous elements to divert goods into India either on the way or after it reaches Nepal. This was discussed at the recently held India-Nepal Inter Governmental Sub-Committee meeting on trade and transit issues. We have urged the Government of Nepal to check such diversion of third country goods from Nepal to India by taking effective policy and administrative measures. In respect of diversion of goods into India during their transit, the Indian side proposed affixation of an additional one time lock by Indian Customs, which is intended to facilitate Nepal's transit trade. The

UK AID

Old Ties, New Priorities

British government announces to nearly double its aid for Nepal over the next four years, but will it really make a difference?

By BHAGIRATH YOGI in London

While visiting Kathmandu in mid-March, the British minister of state for international development, Alan Duncan, announced that his government was going to almost double its aid to Nepal over the next four years.

At a time when Britain is implementing harsh measures back home to reduce its budget deficit by making tens of thousands of public sector workers redundant, it allocated £331 million for Nepal for the period 2011-15.

"Our assistance aims to support the peace process, help strengthen governance, improve security and access to justice at the same time helping poor and excluded people benefit from economic growth in Nepal," declared minister Duncan.

Other objectives for the British assistance included helping deliver better health and education services, help Nepal adapt to climate change, reduce risk from disasters, including earthquake and improve the lives of women and girls, the Department for International Development (DFID) said.

According to the DFID, the plan will create 230,000 jobs, reduce climate vulnerability of three million poor people, lift 570,000 people out of poverty through the forestry programme alone, avert 108,200 unintended pregnancies and provide safe latrines for 110,000 people.

"Nepal is a priority country for UK development assistance. By 2014/15, we will have increased our aid to Nepal by 91%," said Duncan adding, "Our increased commitment to Nepal means increased accountability to our tax payers. So we want every single penny of

the aid budget to make a difference and we will scrutinize how it is spent. Value for money and accountability are our new mantra of how we operate and what we require of our partners."

A least developed country emerging out of the decade-old conflict, Nepal has remained one of the priority countries for the British development assistance. The largest bilateral donor to Nepal, British assistance over the last



British Minister Alan Duncan

five decades spanned in the areas including road construction, education, health, management of natural resources and poverty alleviation.

But getting value for money has been a tough challenge for international donors including UK. A study commissioned by the DFID to assess the impact of its aid in Nepal, reported in 2007 that "a return to the status quo ante of 2000, i.e. working mainly through Government structures, is likely to prove inappropriate in the current context. DFID's programme is and should remain large enough to allow both the building up and reform of Government systems, while continuing support to non-government actors (in

both remote rural areas and with the growing urban poor)."

"In Nepal, care should be taken to avoid an over-enthusiastic alignment agenda in a context where legitimate power structures are missing, coalitions are unstable and systems of patronage and weak governance are still in place," the evaluation report said.

Critics say foreign aid has often entrenched corruption and given rise to a 'new class of nouveau riche' in poor and developing countries including Nepal. They also call for a need to have a fresh new look to evaluate the overall contribution of aid in national development and ownership of the development program itself.

"In Nepal, there is little doubt that some programmes funded by external agencies have resulted in significant infrastructural development (in eg. transport, communications, health and education), and made contributions elsewhere. But the major consequences is to create a growing reliance and dependency on foreign 'aid'—which has far-reaching negative implications, not only for the balance of payments and national accounts, but also for national self-reliance and for the capacity to devise and implement a coherent, progressive development strategy," said Prof. David Seddon, a British economist.

Prof. Seddon, who co-edited the much-talked about book "Nepal in Crisis: Growth and Stagnation at the Periphery" in the eighties, insists that the government of Nepal should carefully re-think and re-negotiate its relationship with the foreign 'aid' agencies, to decrease its reliance on 'aid', both as a source of funding and, equally importantly, as a source of ideas about what constitutes development, and to increase its own capacity to devise an appropriate strategy and appropriate policies for the broad-based development of Nepal, including the capacity of the Nepalese people to determine the direction and nature of that development.

At a time when the political economy of Nepal seems to be increasingly directed from beyond its borders, the pursuit of a free and independent policy in terms of 'foreign aid', however, looks remote. ■

“Indian Leaders Support Madhes Demands”

RAJENDRA MAHATO

RAJENDRA MAHATO, along with two other powerful regional based party leaders, recently visited India and met senior Indian leaders, including Indian Prime minister Dr. Man Mohan Singh and top security officials. Mahato, the leader of Nepal Sadbhawana Party, spoke to NEW SPOTLIGHT on the visit and various issues. Excerpts:

You met with Indian leaders, what concerns do they have in Nepal?

As a close neighbor, Indian leaders are very much concerned about the deteriorating situation in Nepal. This is natural.

What do the Indian leaders want to see in Nepal?

Indian leaders want to see the promulgation of the new constitution and logical end of the peace process in Nepal. They suggested to us that instead of working to extend the tenure of Constituent Assembly, we need to focus our attention to write the new constitution.

Will they accept the new constitution without concluding the peace process?

They have made it clear that the peace process needs to be concluded before promulgation of the new constitution. We too want a similar thing to happen. We cannot accept the new constitution without completion of the peace process.

Have they supported your demands?

What Indian leaders said is that all the problems can be sorted out through the promulgation of new democratic constitution. Indian leaders said that they favor a democratic constitution and One Madhesh One Pradesh.

What is the observation of Indian leaders on integration of Maoist combatants?

Indian leaders are also worried about the delay in the integration process. They want to see the integration process to be completed sooner. Indian leaders expressed concern that Maoists may grab the power and impose communist tyranny by using their combatants.



What are other major concerns?

They are concerned about the peace process and delay in constitution writing. Indian leaders want to see promulgation of new democratic constitution by stipulated time and political stability in Nepal. India's main opposition leader and leader of Bharatiya Janta Party even blamed Maoists for the present crisis. Advanji expressed doubt over Maoist commitments to democracy and democratic process. He held the view that there is a deviation in Maoist stand.

It is also reported that your delegation also met the leaders of three armed groups Jaya Krishna Goit of all Terai Liberation Front, Jwala Singh of Terai Liberation Front and Jagadish Adhikary Rajan of Madhesh Tiger.

It was a wrong reporting. We have not met any underground leaders of terai in New Delhi. We can meet them in Madhesh at any time.

Your visit took place just a few weeks after the announcement of Madhesh rebellion. Have you sought moral support from Indian leaders?

Our demand is clear. The constitution needs to be promulgated by May with our demand One Madhesh and One Pradesh addressed. We need moral

support from all forces and India is not exception. We even need support of underground armed groups of Madhesh for our cause.

If your demands are not met, how will you react?

We will then have to go to street for rebellion taking any political decision. We may even resign en masse.

What do Indian leaders say on this?

They told us that India is always ready to support us for the preservation and promotion of democracy.

How many leaders did you meet?

We met Indian foreign minister S. Krishna, finance minister Pranab Mukharejee, Janta Dal United leader Sarad Yadav, National security advisor Shiva Shanker Menon, leader of Samajbadi Party Mulayaam Singh Yadav, main opposition party leader Lal Krishna Advani and Congress leader Karan Singh.

What other issues did you discuss with them?

We requested for their moral support towards our proposed rebellion against the conspiracy. We have made it clear to them that the interest of Madhesh cannot be fulfilled without a single autonomous province in the southern plains. ■



The Disturbing Verdict

By DR. SURYA DHUNGEL

The Supreme Court of Nepal in a recent constitutional case *inter alia* said:

- The eighth constitutional amendment to extend the tenure of the Constituent Assembly by one year was valid, and there was no procedural error; the Full Bench of the court had immense faith on the CA members that they would complete the task of constitution making within the extended period of one year but in case they did not carry out the task due to complex nature of the work, history would make a judgment, not the court.
- The court, which was the creation of the Interim Constitution, could not think of entertaining the petition that might result in constitutional crisis and create a situation of constitutional vacuum by destroying its own creator.
- The work of the present Constituent Assembly would not be complete until it produces a new Constitution and in view of the complexities of the constitution making it is but natural for the CA to take longer time to prepare a compromise document. Hence, harmonious and purposive interpretation of Articles 33, 63, 64, 82 and Preamble of the Interim Constitution has to be made.
- The two year tenure specified in Article 64 is not mandatory, it is simply directory, whereas Article 33(d), which is unenforceable under Chapter 4, cannot be ignored, and therefore, must be followed.
- The concerns and apprehensions raised by the petitioners that repeated extension may result in political uncertainty and chaos were 'hypothetical questions' which the court would not answer. The court however avoided to say anything about the prospect of electing a new Constituent Assembly if the present one is dissolved due to its failure to produce a new Constitution.
- The Interim Constitution is meant for managing the transition and it is a challenging task for the country to restructure the state and devolve power through federalism, under which, according to the court, central or federal government receives power as and whatever is delegated/granted by states or provinces.

Very few people normally read full text of a Supreme Court verdict. For the commoners, whatever journalists write or disseminate through media is the constitutional interpretation of any important legal issues. Lawyers are also not seen fair at times in giving correct messages to the people due to their political biases. And no wonder, politicians read the court verdicts and views on them as suited to their political interest. In this way, all goes well in the state of political and legal spheres in Nepal except the nation which suffers most from the tragedy of legal uncertainty and political instability.

The judges from the ivory tower, immune from public criticism, keep on laughing at the lawyers' discourses and make the mockery of judiciary driven constitutionalism. Political parties are the immediate beneficiaries of such fallacies. This is what has exactly



Supreme Court

happened with a recent judgment of the Supreme Court Full Bench on the issue of last year's extension of Constituent Assembly's tenure through eighth amendment of the Interim Constitution. Article 64 of the Constitution which mandated the Constituent Assembly to complete the task of constitution drafting in two years was amended to extend the period from two to three years. This was challenged in a Public Interest Petition at the Supreme Court filed last year by two lawyers. The full text of the verdict delivered by the court last November has however been released recently, about a couple of weeks ago (ref. Vijaya Raj Shakya vs. Legislature-Parliament and others, Certiorari Writ, Nov 2010).

An ordinary Nepali individual could

not expect anything more than what a team of three justices, although very wise and competent, could conclude under the Interim Constitution of political transition in their unanimous verdict, which might be simply summarised in six words: 'constitutional amendment valid; writ petition quashed'. What is actually disturbing than the conclusive verdict, as shown in bullet points, is the pseudo constitutional jurisprudence that has been pronounced through ratio as well as obiter. Neither the verdict has its head, nor a tail. Politicians and political lawyers may however enjoy playing with each word of the text. As every Nepali

and CA member, not to talk about a litigation lawyer and legal academics, in the present day Nepal is blessed with the designation of 'constitutional expert', this commentator as a student of constitutional law will whole-heartedly welcome even the harshest criticism one may but sincerely offer on this note.

While denying to speak on the questions of 'possible implications of the repeatedly extended and prolonged Constituent Assembly of a huge size' and the 'replacement of present CA by a freshly mandated new Constituent Assembly' as hypothetical issue, the court has itself dwelt on hypothetical assumptions in dealing with all constitutional issues. The court is obviously alarmed with apprehension as expressed at three places that 'a situation

of constitutional vacuum (without a constitution in the country) cannot even be imagined' if the petitioners' demands are entertained and the tenure of the CA has not been extended.

Lost in such hypothetical questions, the court goes on and on to justify the extension of CA on the grounds that even a legislation sometime takes one full year to get it through. The court appears to have forgotten that the Interim Constitution which it was interpreting was produced in less than four months, and the earlier 1990 Constitution in little over six months period. How could the court forget the existence and continuation of the Interim Constitution until it has been replaced by a new one? Where did the question of vacuum come? The question is: Should the CA be constitutionally obliged to produce a Constitution within the prescribed period? Moreover, the petitioner was advocating for the election of a new Constituent Assembly if the existing one failed to produce a new Constitution in time. The court avoided to answer this question while unnecessarily groping on a series of imaginative and hypothetical situations. Can the Supreme Court give guarantee that the current CA will deliver a new Constitution by May 28, as the judges have expressed their unsolicited faith on the honesty, ability and wisdom of current CA members and the CA?

Truly speaking and with due respect to the court, one may say, no pronouncement in the case has hardly emanated any lofty constitutional jurisprudence worth appreciating in the verdict. On the contrary, however, the court has unfortunately slipped into muddy water through distorted interpretation of the constitutional provisions. To note a few of them as examples as stated earlier are: firstly, the Supreme Court is wrong to suggest that Article 64 which sets out two year deadline for drafting a Constitution is directory, not mandatory, as the Constitution is the supreme law of the land under Article 1 and all constitutional provisions are mandatory and enforceable except the State's Responsibilities and Directive Principles (Chapter 4), and the Preamble. Secondly, Article 64 spelling out two year tenure is not CA's goal it is the 'limit', a deadline. Thirdly,

harmonious interpretation is needed not between Articles 33, 64 and 82 alone as stated by the Supreme Court but amongst Preamble and Articles 1, 59, 63, 64, 82, 83, 143 and 148, all together. Fourthly, Article 33, which is a part of State Responsibilities and Directive Principles is not enforceable and obligatory as suggested. Fifthly, and above all, a harmonious interpretation of Articles 64, 82, 143 and 148 prohibits the Legislature-Parliament from entering into the jurisdiction of Constituent Assembly which alone has the power to reduce or increase the tenure of CA through a resolution. This puts a limit on the power of Legislature-Parliament to increase the tenure of CA. The court may not have answers to these questions.

Lastly, to make the note short, the court has entered into the regime of

'constitutional politics' in order to help stretch and safeguard the longevity of the Constituent Assembly. It is therefore bound to be controversial as it has failed to respond to the genuine question of a fresh poll of CA in case the present CA is unable to even draft a 'skeletal framework' before May 28 to justify its possible extension through another amendment of Article 64, which is solely a jurisdiction of CA. Despite the Supreme Court's numerous hypothetical discourses of political nature, the question is still alive as to what would happen if the CA fails to produce a new Constitution and the Legislative wing of CA is unable to pass an amendment bill. Let this hypothetical question not be a reality.

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POLITICAL PROCESS

Ill Liberal State

Be it planned or coincidental, Nepal's state policy seems to be going against the values of a liberal democracy

By KESHAB POUDEL

If the current political trend of the state is any indication, efforts seem to be underway to hit the ethos and values of a liberal democratic political system. From individual freedom to pluralistic political system, ideals are coming under threat. The state institutions and individuals are, knowingly and unknowingly, promoting state control and state regulatory system.

Finance Minister Bharat Mohan Adhikary tabled a bill in the Legislature-Parliament with the clause that everyone has to disclose the property in front of state authority if necessary. The financial bill will eventually put private banks under the government purview. Private sector has already opposed the bill.

"The government must withdraw certain clauses that go against the individual's right to property," said CA member and industrialist Diwakar Golchha. "If the act is passed by the parliament, Nepal's financial institutions will crumble."

Some provisions in this act will challenge the liberalization process which has helped private banking system to flourish in Nepal. Nepal Rastra Bank's order to limit the salary of CEOs and other officials of private banks has already shaken the open and competitive market. The new act will certainly help it to collapse.

Kathmandu University, the country's only private university, was shut down under the order of two communist student fronts. Student unions have already issued a threat to private boarding schools not to raise the fees.

By announcing work on a new law to contain the International Non-governmental Organizations and Non-governmental Organizations, for making them transparent and accountable, Social Welfare Council and Ministry of Women and Social Welfare have already made clear that they want intervening role in their affairs.

Although some NGOs and INGOs might have done wrong, they have played important role in creating the present level of political and social awareness at grassroots level. Their work to uplift the life of rural poor is unchallengeable. However, there is a campaign against them from all fronts.

Chief Justice Ram Prasad Shrestha and his senior judge Khil Raj Regmi of Supreme Court, which is demanding independence of judiciary, in their recent decision against former minister Chiranjibi Wagle ruled that the son does not have the property right if he lives with his father.

Legal experts say this decision closes prospects for an individual to try individual entrepreneurship. Known for his clean image and respectability, chief justice Ram Prasad Shrestha's recent decision will have far reaching consequences in the process of liberalization.

The state must act to free the society of corruption by putting the corrupt behind bar but it must follow the due process of law and respect the right to property. For the crime of Chiranjibi Wagle, the court cannot deny the right of his son to earn income.

Even in the process of constitution making, there is no guarantee that democratic rights and values established sixty years ago will be protected in the new constitution. In spite of the avowed aim to bring liberal and progressive system by removing monarchy, Nepal is now heading towards more regressive path where basics of liberal democratic values will have no place.

"I am proud that we are able to convince UCPN-Maoist to accept some components of liberal democratic values

in the new constitution," said CA member and Nepali Congress leader Ramesh Lekhak.

His indication is that the new constitution may not have the clauses which were there in the constitution of 1990 and previous five constitutions of the past. "New Nepal will have new constitution as the mandate of Janandolan II."

At a time when chief justice Shrestha has been urging CA members to retain independent of judiciary, he needs to broaden his alliance with the forces which support his cause. Chief Justice Shrestha may have earned more enemy



CA Members In Debate

by terming his fellow judges and court corrupt.

One of the victims in the proposed new constitution will be the media. The constitution of Kingdom of Nepal 1990 guarantees free press saying that no periodical or press shall be closed or seized nor shall its registration be cancelled merely for printing or publishing any news items, articles, editorials, writing and other reading materials.

In the proposed new constitution, there are some restrictions on the press and media. If the CA passes the proposed constitution as it is, the era of free press comes to an end. "We have already submitted a memorandum to CA chair against this," said Dharmendra Jha, president of Federation of Nepalese Journalists.

From private banking to the media, from political freedom to the right to property and the right to organize through NGOs, the state is gradually making efforts to control them all. Finally, these efforts will weaken the liberal democratic values. ■

NUCLEAR SAFETY

Climate Dangers

Nuclear power may help control climate change but what if the latter makes the former even more dangerous?

By NAVIN SINGH KHADKA in London

Exposed to criticism yet again after the radiation leak from the Tsunami-hit Fukushima nuclear plant in Japan, supporters of the nuclear energy now have in defence a relatively new argument: climate change.

They say nuclear power is one of the most promising "clean energy" in the fight against climatic changes.

Even before the disaster in Japan, governments in both developed and fast developing countries had begun to cite nuclear plants as one of the best bets to cut down carbon emissions that warm the planet.

Rapidly emerging economies like China and India began to count on nuclear plants even more as they got increasingly power hungry while coming under tremendous pressure to reduce greenhouse gases.

And now that the prickly nuclear safety affair has disclosed stream of uncomfortable details yet again, those supporting the arguably most secretive energy source are playing the climate issue up.

"Melting polar ice and variant climate patterns may have more threats in store for humanity than could result from dozens of nuclear meltdowns," Ronald K Chessar, director of the Centre for Environmental Radiation Studies at Texas Tech University, wrote in the CNN website last week.

"The past 150 years of indiscriminate consumption of fossil fuels has brought unalterable changes to our planet."

And so, experts argue nuclear energy can help in the fight against climate change. News reports from India, Nepal's immediate nuclear concerns, have also resonated similar arguments.

They may well have a point because compared to coal, diesel or gas-fired power plants, nuclear reactors do not emit carbon dioxide. Which means, overall less carbon will be emitted to the

atmosphere slowing down the earth's warming that in turn controls climate change.

But an even bigger question is: Can the nuclear facilities themselves be immune to the impacts of climate change?

The Narora nuclear plant in Indian state Uttar Pradesh bordering Nepal, for example, stands beside the river Ganga.

Already located in a seismically active zone, the plant benefits from the river water in normal circumstances. As did the Fukushima plant from the Pacific ocean waters.

But when the same ocean water turned into Tsunami and swept everything on its way, it became a lamentable liability for the Japanese nuclear facility.

Given that the sources of the Ganga

and its tributaries are in the Himalayas, climatically one of the most sensitive regions in the world, the risk of, say, unusually disastrous flooding is quite high.

When climate-induced floods can pose threat to other infrastructures like bridge, barrage, embankments and highways, nuclear facilities built along rivers can be no exceptions – no matter how safe they are said to be.

What the Ganga is for Narora nuclear plant, the Indus can be for the Chashma nuclear power complex in the Punjab province of Pakistan.

And what havoc can a swelled Indus wreak is a fresh account.

The cataclysmic floods on the Indus last year have not been linked to the impacts of climate change so far. Imagine then what could happen if climate is at play.

These are only a couple of many possible risks whereas in the changing climate, disasters can take any shape not known to date.

Critically, experts say, climate impacts have hardly been factored in for nuclear safety.

Just like Tsunami was not for the Fukushima's diesel-run cooling pumps.

Khadka is a BBC journalist

"There Is No Threat To Nepal"

Dr. RAMHARI ARYAL, secretary at the Ministry of Science and Technology, spoke about the threat of radiation following the nuclear disaster in Japan.

Is there any threat for Nepal of radiation?

Since the disaster area is far from Nepal, there is no immediate threat of radiation in Nepal. We discussed this matter with our nuclear scientists. They said that there is no need to panic here.

Rumors are rife about the possibility. How do you assure the people that they are just rumours?

The Ministry of Science and Technology has already issued a public statement following discussions with scientists and other stakeholders.

Have you also consulted with the IAEA on this?

As a member of IAEA, Nepal can receive support from IAEA. But, at the



moment, there is no need to seek any support from IAEA.

Do we have a long term strategy to cope with such a crisis in the future?

We are working to make necessary arrangements to enhance our capabilities to cope with these things in the future.

The Ministry has already started the work and we are also seeking support from international agencies.



Election Campaign

DARJEELING ELECTION

Gurkhas in Campaign

As the election approaches, agitating Gurkha Party members are busy selecting their candidates

UMA KANTA KHANAL in Jhapa

The Gurkhas of Darjeeling agitating for their separate state, Gorkhaland, are now busy campaigning for the election of West Bengal's legislative assembly slated for

April 18.

The agitating Gorkha Janmukti Morcha and other minor parties are choosing their candidates. Every party in the hills has emphasized on the common candidacy in the elections. But they have not reached any agreement yet.

GJM has emphasized candidates with political background who have supported the movement for Gorkhaland but Revolutionary Marxist Party emphasizes the non-political candidates for whom the common ground could be obtained.

Former president of Darjeeling Gorkha Hill Council Subash Ghising, who is still the president of Gorkha National Liberation Front, has announced he will take part in the state's legislative elections.

Darjeeling has 3 seats in the state's

legislative assembly.

GNLF has decided to contest the assembly elections alone with the thrust on the execution of the Sixth Schedule agreement by fielding fresh faces in the three hill seats.

'Subash Ghising will soon commence the campaign for the elections,' party sources say.

According to the party sources, the GNLF will not align with any anti-Gorkha Janmukti Morcha party or national party and will fight the elections alone.

The slogan of GNLF's campaign is the Sixth Schedule agreement signed by Ghising, the Centre and the Bengal government in December 2005. Ghising was forced to leave the hills on July 26, 2008, a day after a Nari Morcha supporter had fallen to bullets allegedly fired from the house of a GNLF leader in Darjeeling. The incident turned violent against GNLF leaders in the hills. The houses of Ghising and other leaders were torched by Morcha members, as the administration claims.

Trinmul Congress, which has a soft

corner for the agitating Gorkha Janmukti Morcha, has left the seats in Darjeeling for Indian National Congress. The ruling Communist Party of India (Marxist) has its slogan 'more autonomy' for the hills.

'Even the agitating party GJM has changed its mentality to the interim set up instead of Gorkhaland, there is no need to raise the demand of Gorkhaland through our party,' CPI (M)'s leader, Saman Pathak said. He said that his party would restore a democratic setup in the hills blaming that Gorkha Janmukti Morcha had snatched the rights of people.

The ruling party has already decided its candidates for the elections. CPI (M) had said that there was no situation of election in the hills.

Up to now, the agitating GJM doesn't seem to have given the preference to the elections because the party has not decided who will contest in the elections on its behalf.

Morcha's spokesperson Dr. Harka Bahadur Chhetri said, 'We will see till the last moment and will decide on the best way forward.' He further said that his party will use this election to show the strength of hill people.

The people of Darjeeling had supported GJM in the last Lok Sabha elections and had elected Bharatiya Janata Party's candidate, Jaswant Singh. But this time GJM seems in no mood to support BJP.

It is reported that this is the hardest time for the ruling party CPI (M) to win the elections. One reason is the influence of other parties like Trinmul Congress led by Mamata Banerjee-the union railway minister in the state and the other is majority in the hills support the party which has the slogan for a separate state for the Indian Gorkhas, Gorkhaland. ■

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FNCCI

Clash Of Tycoons

Early campaign signs show industrialist Suraj Vaidya leading the election race for FNCCI president

By A CORRESPONDENT

Nepal's apex industrial body Federation of Nepalese Chamber of Commerce and Industries (FNCCI) is preparing to elect its new president at a time when the industrial sector has been passing through a very uncertain period characterized by slumps and shutdowns.

Tycoons Suraj Vaidya and Azad Shrestha are travelling across the country to woo voters with promises to bring about a drastic change in the industrial sector.

"My candidacy is for the protection of industries and industrialists," thunders Vaidya.

"I will do my best to protect the rights of industrialists," roars Shrestha, adding, "I will work to promote harmony among all stakeholders."

In terms of experience, exposure and personality, Vaidya has no match. His international exposure and personal

capacity to negotiate with foreign investors will be a real asset in attracting the much needed foreign direct investment.

This skill was what had been lacking in the FNCCI leadership after Binod Kumar Chaudhari and Rup Jyoti.

Known for his internal leadership quality at the national level, Azad Shrestha too has many qualities. He is bold and strong.

As the country has been passing through a very crucial period interspersed with bursts of anarchy, Vaidya, son of Gajananda, may be the right choice. His capability is going to be an asset for FNCCI.

In view of the industrial unrest, and the need for foreign investment and for restoring image of Nepal's prestigious apex body FNCCI in the international level, Vaidya's leadership is required.

Had Vaidya been chosen as a consensus candidate, it would have been the ideal choice in the present context when FNCCI is facing a serious crisis in all fronts.

In the past, FNCCI was the sole organization of industrialists and business groups, but now organizations like Confederation of Nepalese Industry (CNI) led by charismatic industrialist Binod Chaudhari are there.

Other small industrial groups are also coming up to challenge the existence of FNCCI at the local level. This way Vaidya's leadership will be worth a try for FNCCI. Despite differences about many issues, nobody dares to challenge Vaidya's personality.

"At this juncture, Vaidya will be an asset for the umbrella organization like FNCCI," says Bhaskar Raj Rajkarnicar, vice-presidential candidate. "I think Vaidya will secure an overwhelming victory."

Pokhara based industrialist Azad Shrestha is no less known at the local level. "FNCCI needs a personality like Azad who is daring and fights for the right of industrialists," says former president of FNCCI Mahesh Lal Pradhan. At the local level, Shrestha is said to have a strong lobby. Backed by outgoing president Kush Kumar Joshi, Azad is hoping to secure votes from districts. ■

'Will Strengthen Self-esteem Of Businesses'

Industrialist AJAD SHRESTHA is contesting the election for the post of FNCCI president. Shrestha spoke to NEW SPOTLIGHT about his agenda.

Why did you vie for the post of FNCCI president?

My candidacy will make the whole private sector proud. It will strengthen self-esteem of businesses and heighten the nation through their healthy conduct.

Every candidate claims so. Then what new can we expect from you?

Indeed, I have been involved in FNCCI for the last twenty years and I've been working for empowering the small and medium industries for more than a decade. And I've my own ideas and experiences of solving economic

problems of the local community.

If you win what will be your priority area?

The foremost thing I'll do is give a full attention to tourism industry. We, the private sector, will work hand in hand with the government to make NTY a grand success. Second, I'll leave no stone unturned to attract the private institutions within and out of country to invest in our water resources. Third, agriculture needs to be professionalized. And I'll work for it. Still 70% of the total population relies on agriculture. So I'll work on developing agriculture scientifically and according to demand of the time. I, too, will pay



much attention on mobilizing and managing the human resources by unleashing newer employment areas.

'Politics Is Not My Cup Of Tea'

Industrialist **SURAJ VAIDYA** is contesting the election for the post of FNCCI president. Shrestha spoke to **NEW SPOTLIGHT** about his agenda.

Why did you vie for the post of FNCCI president?

Nepal is going through a transition and I think every Nepali who wishes to lead the country in a certain direction should come forward. We'll probably face the hardest time in the coming days. With the new constitution which is expected to come in the next two and a half months, there will be laws and by laws which will totally change our way of working, and, therefore, private sector's voices and views must be accommodated in these new laws. I believe that FNCCI leadership will have an important role to play and I feel I can give contribute my 25 years of experience with FNCCI by choosing to lead it.

What are your agenda?

I've six agenda. They are to initiate the private sector-led economic programs. Right now we believe that all the economic programs are led by political institutions. And this change must be brought about by FNCCI. Within six months of my coming, we will present the political leadership by with our fast track rebounding approach to the nation's economy. And, hopefully, we will be able to implement that through the government that will come in the future.

In the area of energy, we will try and create an atmosphere to make sure that the investment will come in as it is required. Laws have been seating in the parliament for the last two and half years. We will lobby that the laws come into force as soon as possible. We believe that in energy it is all a supply and demand situation. And, therefore, the government of Nepal needs to look at giving incentives in attracting investment in this area. That is something we will lobby for. There are trade unions. We need to create an environment in Nepal that helps productivity grow. We want to provide social security with flexibility. And these two agendas can be accepted by the trade unions. We believe that we can create a better environment for investments in a year. These will be the major points I'll be working for.

Labour unrest has been badly damaging Nepal's industries. What is your take on this?

We have worked on the political agenda that political parties and leadership have. But we think the political frame has limitations. What we need is work in partnership with these people in convincing where we can address their concerns without affecting investment. So, I think the approach should be to work with the trade unions as partners.

Don't you think there is a competition within FNCCI at this crucial juncture?

The beauty of democracy is we get stronger when we have differences. New ideas emerge out of differences. Therefore, I think the FNCCI style of management over 46 years by electing leaders through the process of countrywide elections has strengthened the apex industrial association and it has weaknesses as well. So, I think election is healthy as long as we practice it in a healthy manner.

What do you think about FNCCI'S rols ?

I think the prominent issue is FNCCI looks after the interest of the national economy and its development. The priority in the last ten years and twelve years for the international community and the political leadership has not been economic development. It's been peace and security. I don't believe that any of these questions is less important than economy. But it's the priority of the time and time today demands that we have a situation where we have peace and security. And that being the focus, we think economy has been second to these issues. But again unless you have people who have a job, who have employment, who can send their children to schools, who can have better care when they go back home; what we are all looking forward to is not going to come. Therefore, we stress, we request to the international community to change their focus from peace and security to economy as the fundamental engine to drive peace and security and this is something FNCCI is going to work on under my leadership with the international community.

How do you see present sutitution ?
Nepal is not a poor country. It is a



rich country. We have tremendous potential. We need to focus, we need to be more energetic in approaching the problems together. Differences will strengthen us. We must look at the nation as the fundamental thing and keep our self interests out of it. Nepali people need to build this country by promoting both whereby we all will then benefit from having a prosperous Nepal in the long run.

What rols FNCCI need to play?

The total import is at about 4.6 billion US dollars and export is about only 1 billion dollars. The foreign reserve has diminished from an amount covering 9 months to 5 months. This is alarming. And, therefore, we doubt the possibility of bringing more FDI investment in this country. It is not possible for Nepal to create the kind of environment that we expect and to create the wealth that we need for this country. The government of Nepal needs to be more open to FDI, invite more of it by giving more incentives to try and reignite the industrial process in Nepal.

Most of your senior colleagues have been in politics, don't you think you are left alone?

No! I am a businessman and I think my work, my ethics is business. I believe that profit motivates people to get involved in investments. We need to create the environment so that profit will increase more revenue for the government and create more employment. Politics is not my cup of tea.

WORLD WATER DAY

Dying For Safe Water

The fact that less than 50 per cent of Nepalese have access to safe drinking water renders the popular catchphrase about Nepal's water abundance meaningless. About 8000 people die every year due to contaminated water. Diarrhea epidemic starts in the wake of the World Water Day celebrations when pledges come in plenty to provide safe drinking water to all. Populist slogans like water to all sound hollow when people continue to die in want of safe water

By KESHAB POUDEL

Ganesh Saud, 29, a resident of Sigas village of Baitadi district, 800 kilometers far west of the capital, is yet to recover from the shock of death of his four year daughter Sunita Saud. She died from diarrhea a year ago.

Sunita Lama, 26, a resident of Lokanthali, near Kathmandu, is too recovering from trauma of death of her five year child caused by diarrhea.

"I am very much concerned about the quality of water. I cannot spend a lot of fuel just to boil the water but I cannot drink it either without boiling it," said Lama, whose daughter died because of contaminated water.

Lama and Saud are not alone. Tens of thousands of people in various parts of Nepal are living such trauma after the loss of their loved ones.

According to WaterAid Nepal,

Nepal has to spend a huge amount of money to supply of safe drinking water to all. Presently, the availability of safe drinking water is continuing to decline. Out of 80 percent access, only 50 percent people get safe drinking water.

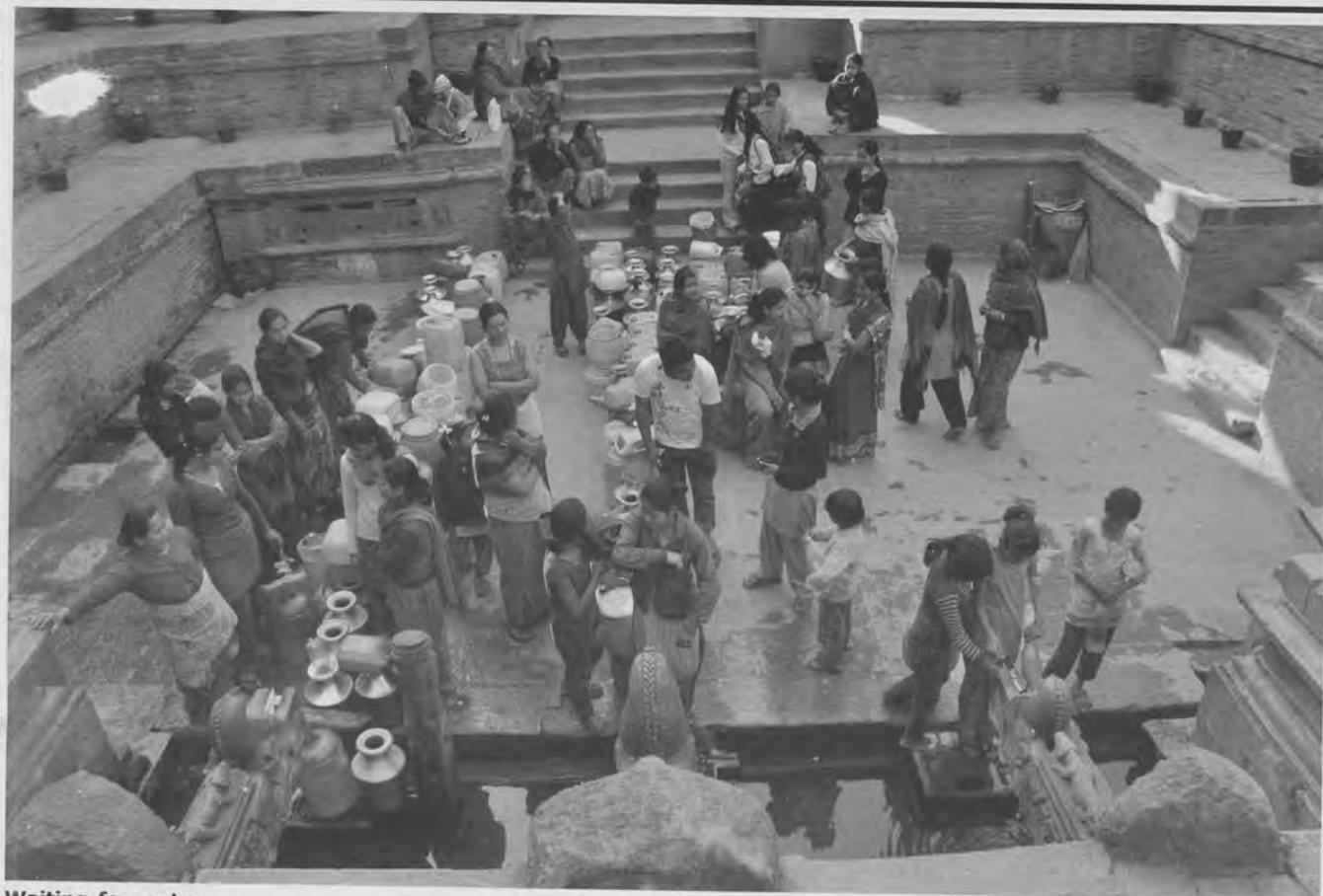
If Nepal cannot provide drinking water to all its citizens, what is the rationale behind claiming that Nepal is a country of abundant water resources.

People living in far west and mid-west are most vulnerable as they don't have other choices but to use whatever water is available to them. As the month of April approaches, it has already created havoc and uneasiness in mid and far western regions where diarrhea epidemic has been an annual disaster over the last many years.

Although Nepal has already celebrated the World Water Day by organizing a week long program from

March 22 to March 28 calling to increase the safe drinking water for all its citizens, people living in far western and mid-western regions are yet to have any respite as the water supply situation has not changed. Even the Constituent Assembly accepted the access to drinking water is a fundamental right but the trauma of Saud and Lama families is yet to come to an end and nobody can guarantee that the situation will change this year.

For the last two years, a large number of people in far west and mid-west had to live in panic during the month of April and May when water born diseases like diarrhea emerge as a killer due to contamination of water. As the situation remains the same, nobody rules out the possibility of the same repetition. The poor families living in slums in the capital and other urban areas are too vulnerable.



Waiting for water

More than 15 died of diarrhea in Baitadi district last year. According to District Health office in Baitadi, of those who died, three were residents of Sigas VDC, while the others were residents of Gajari, Thalakada and Shiling VDCs.

Not only children, even youth and old are not safe from diarrhea. A 70-year-old, Taradutta Awasthi, of Belapur-8 died of diarrhea in Dadeldhura. More than 30 people are affected in Belapur-7 and 8, according to Shumsher Bahadur Bista, a local health worker.

Last year, eight people died of diarrhea in Dadeldhura. With the arrival of summer, an increasing number of diarrhea patients are swarming the district hospital. The relevant District Public Health Offices said people are being increasingly affected by diarrhea in Darchula, Doti and Bajhang districts as well.

Such deaths are also reported in the urban areas like Kathmandu, Bhadrapur, Biratnagar, Mahendrangar and Dhangadhi.

The year 2009 was a year of trauma in far west when more than 282 people lost

their lives to a diarrhea epidemic.

Though the government has claimed that it has made provisions to supply safe drinking water in the diarrhea-hit areas, the locals are yet to witness the construction of water taps and covering water sources.

Despite some efforts, the diarrhoea-hit areas lack awareness about water, sanitation and health. The government should act immediately to save innocent lives from the preventable disease. INGOs like WaterAid Nepal is stressing for massive public awareness to put a brake on the diarrheal deaths. This public awareness campaign is yielding some results.

"Safe drinking water and improved sanitation are basic human necessities and they are fundamental to health, growth and development," said Umesh Pandey, executive director of NEWAH.

However, a large proportion of people in Nepal live without access to these services.

According to the Ministry of Physical Planning and Works (MPPW) 80% percent of the population are reported to have access to improved drinking water

sources. Still many people belonging to poor and excluded groups, those living in areas beyond the sources or scarce in ground water resources remain to be served.

Every year a large number of people fall prey to various diseases due to lack of access to improved facilities of water and sanitation coupled with low level of awareness, and this has been a cause for untimely death of many.

The MDG targets to serve 72% the people in Nepal with drinking water and sanitation services by 2015 seem attainable but the national goal of achieving universal coverage by 2017 is a challenging task for the nation. But it is possible through larger political will and commitment and increased investments.

According to WaterAid, investing on water and sanitation can prevent the annual 10,500 diarrheal deaths of children below five or loss in productive labor due to illness caused by lack of access to these services.

As Nepal celebrates the world water day with rituals of harping on the slogans that Nepal is country of abundant water resources this cannot save the lives at risk.

Exploding The Watery Myth

The World Water Day is always filled with bucketfuls of speech in which speakers crow about Nepal's abundance in water resources. The facts speak otherwise. More than 50 percent of its population do not have access to safe drinking water. Only 25 percent Nepalese have access to electricity. New Spotlight has asked what experts and commoners think of the contradictions.

Ganesh Shah is a former minister for environment, science and technology. He has been involved in the water sector for more than two decades. Shah replied two questions posed by NEW SPOTLIGHT.

Is there any scientific basis behind the saying that Nepal is rich in water resources?

We have been saying that Nepal is rich in water resources. But, unless we harness water for drinking, irrigation, industrial and other purposes, we cannot justify what we

have been saying.

On what basis have you been saying so?

People have been saying this on the basis of observation and rough estimates. When many people started to say this, it became a popular saying that Nepal is rich in water resources.



Dr. Adarsha Pokharel is a former director general of Hydrology and Meteorology Department. He is also co-chair of World Water Day organizing committee.

Is there any scientific basis behind the saying that Nepal is rich in water resources?

There is no doubt that Nepal is rich in water resources. However, we failed to utilize it for the benefit of the the people.



On what basis have you also been saying so?

Simply, I have a logic and scientific evidence. Surface water available in the country is 225 BCM per year. Unfortunately, only 15 BCM per year is in use. This is my basis to say that Nepal is rich in water resources.

Dr. Ananda Bahadur Thapa served for more than three decades in water related sector. Renowned expert Dr. Thapa retired a few years back.

Is there any scientific basis behind the saying that Nepal is rich in water resources?

There are many countries around the world like Canada and the United States and otherd with sufficient water but they have never made such claims. Even our two neighbors India and China have a lot of rivers and water but they too have never made tall claims. They

might quietly laugh when we make such a claim.

Don't you think there is any basis for such a claim?

People have been portraying that Nepal is second after Brazil in water resources. Globally, Brazil is not the first country having the largest deposit of water. Of course, Nepal may be rich in generating hydropower. I don't know how the people have been saying this.



'Lab Tested Water Is Clean And Safe'

RAJEDNRA ARYAL, president of FEDWASAN, is a well known activist in the water and sanitation sector.



What is the present situation of clean and safe water availability in Nepal?

A recent report says that only 18% of the total water projects are running successfully. And out of the remaining ones, some have to be retrofitted and others are in a pathetic condition which needs total fixing. In case of Katmandu Valley, people have to suffer a lot as Melamchi Project has been facing a lot of problems. If the leakage of water and the years old pipes are checked then the supply would have been not much complicated as it is now.

The government has planned to provide water and sanitation to all Nepalese by 2017. Do you think the target can be met?

Many government's organizations, INGO's and NGO's are working hard to meet the target. As aforementioned report comes to light we are going to have a hard time meeting the goal and indeed we have to work on the joint efforts. But there is hope, as the access to water has increased to 80% from 76% and even the sanitation has increased to 43%.

Which water is clean and safe?

Lab tested water is clean and safe. In case of Nepal, the government has planned to establish water testing labs in five development regions of the country targeting the safety of urban people's water consumption. We need to translate our commitment into reality in celebrating the world water day.

WATER AND ENERGY COMMISSION

Seeking Legal Mandate

Despite expertise in water related sectors and institutional capability to deal with them, Water and Energy Commission (WECS) is yet to be made legally mandated powerful agency

By A CORRESPONDENT

For purposes ranging from drinking to irrigation and hydro-power production, Nepal needs water in different spheres of life. A planning and regulatory authority for integrated and sustainable use of water will be a good thing to have. The Water and Energy Commission Secretariat (WECS) can be just that.

WECS, at the moment, however, looks like a toothless agency having no mandatory authority in the process of implementation of water related issues.

The Commission was established in 1975 by the Government of Nepal with a cabinet decision as an apex body to work for the promotion and development of water resources and energy sector of Nepal in a sustainable, integrated and optimal manner from a holistic perspective both in natural state and in balancing the competing demands on various aspects of water utilization and energy consumptions.

A permanent secretariat of WEC was established in 1981 in the form of Water and Energy Commission Secretariat (WECS). The objectives and mandates of WECS have been envisaged as to include primarily the responsibilities like to formulate necessary policies, strategies and planning of projects with long term vision, conducting study, research, survey and analysis on various aspects of water resources and energy development in keeping with the priorities and targets Government of Nepal, to enact the necessary laws pertaining to the development of water resources and energy, to establish coordination among national and sectoral policies relating to water resources and energy sector, to render opinion, advice and recommendations on bilateral and multilateral issues relating to water resources and energy, to act as a

documentation center for all regional water resources and energy related researches and studies etc," said Shyam Prasad Mainali, secretary of WECS.

Water Resources Strategy and National Water Plan have mandated WECS as Central Regulatory Body and have imparted the authority to provide techno-economic clearance for various major water related projects including multipurpose projects/projects with inter-basin transfer/trans-boundary implications. However, this authority is yet to be supported by legal instruments for effective implementation.

"Formally, WECS is recognized as an apex body to deal with water related issues but it has not been given any legal rights to execute the decision. Having such a pool of experts and institutional capability, WECS is now just recommendatory agency having no legal rights," said Shishir Koirala, divisional engineer of WECS. "Our experiences have shown that without defining WECS role by law with mandatory rights, I don't think we will be able to make our visible presence."

WECS has been playing advisory role in the whole decision making related to water resources. The institution has already conducted numbers of studies on water related areas but they are yet to become of much use. WECS has well established documentation center with over 5000 books, research/study reports and many technical journals. This documentation centre has developed itself into a leading reference library in the field of water and energy sector in Nepal.

"As long as WECS is not made mandatory institution giving certain legal authority, I don't think we can make any differences. In the coming days, when Nepal has to face many challenges in the context of utilization of water in integrated manner, a stronger and more powerful organization like WECS will be needed," said Koirala.



Shishir Koirala

Former executive secretary and currently secretary to Ministry of Tourism and Civil Aviation Kishore Thapa holds similar views. "As the country is going into a federal structure from a unitary state, the role of WECS will be much more important," said Thapa. "WECS can play a vital role in the water and energy sector of Nepal. WECS's expertise on river basin planning management, modeling of water use and allocation and multipurpose project is important."

WECS was entrusted as the coordinator of the task force to formulate Twenty Year Hydro-electricity Development Plan. During the study, it was found that if we honestly work hard, the country can generate 1815 MW of electricity by the year 2014 out of which 1645MW will be available for domestic consumption and the rest for export. The next five years will be crucial for the energy sector of the country.

"WECS with its expertise on water and energy can play and is playing a pivotal role in the water and energy sector of Nepal. It can provide technical support on resettlement and rehabilitation programs in hydro-electric projects, water optimization in river basins and resolution of the conflict between different competing uses of water. No other institution in the country can provide a holistic overview of the water sector of Nepal than WECS. On the energy side, WECS is developing its capability in strategic planning of the energy sector, energy efficiency, demand side management and optimization of different sources of energy," said secretary Mainali. ■

"WECS Working On Integrated Water Policy"

SHYAM PRASAD MAINALI

SHYAM PRASAD MAINALI, Secretary of Water and Energy Commission, is a well known civil servant. Having worked for almost three decades, Mainali knows the ins and outs of Nepal's civil service. As Nepal is celebrating the World Water Day, secretary Mainali spoke to *NEW SPOTLIGHT* on various issues. Excerpts:

WECS has played very important role in the formulation of water related strategy and policy. What is the current status of WECS?

Water and Energy Commission Secretariat (WECS) is a central level Government Organization working on sustainable development and management of Water Resources and Energy sector in Nepal. We are putting thrust on Integrated Water Resources Management (IWRM) principle and focusing on economic efficiency, social equity and environment conservation in our Water Resources Strategy and Plan. To transfer IWRM principle into implementation, WECS is currently working on formulation of Integrated Water Policy and establishment of knowledge based information system in WECS and River Basin Offices in three major river systems of Nepal; Koshi, Narayani and Karnali in collaboration with the Department of Hydrology and Meteorology to move forward in river basin planning for sustainable water resources management and development in Nepal.

Does your organization work in other areas?

WECS is also involved in Koshi River Basin Management Program under the framework of Koshi River Basin Management Strategy and is implementing the two pilot projects in Dudh Koshi and Indrawati sub basins with support of WWF Nepal for transition towards more adaptive and participatory integrated water resources management (IWRM). Similarly, WECS is doing a study in Bagmati River Basin on water security and pollution issues under regional Technical Assistance funded by ADB and Japan Water Agency.

How about the energy sector?

Energy is an important sector. We do have an abundant potential of hydro power development in Nepal. However,

our country is facing an awful situation of energy crisis. WECS has prepared a National Energy Strategy which is in draft form and is yet to be approved by the Government of Nepal. We are also implementing Nepal Energy Efficiency Project under the TA program provided by Government of Germany through GTZ Nepal which includes components like public awareness and formulation of policy driver on energy efficiency, energy efficiency in house hold (rural as well as urban), preparation of standards and labeling for energy efficient electric appliances, establishment of energy efficiency centre with public private partnership approach, and energy auditing on industrial sector.

As Nepal is in the process of constitution making for a federal setup, many problems will come up in water sharing among provinces. What role will the organization like WECS play in the future?

Nepal, as of now, is the only state facing problems regarding water sharing. We can definitely say that water sharing issues in federal Nepal are very likely to increase, especially among different provinces. We are yet to define the borders of our provinces. If a river basin falls within two or more provinces, the chances of conflicts on water sharing issues among the provinces are seemingly likely, as we have seen in many parts of the world. Since rivers do not follow any political boundary, and since the water resources are key to life and Nepal's prosperity, the available resources must be optimally planned and equitably distributed to all the concerned provinces based on their needs. Thus the role of WECS will be much more important in the federal structure of the country since it is the central level, apex organization regarding the planning, development and management of the country's water resources. In the federal structure, WECS possible role could be in integrated water resources planning and management, basin planning, benefit optimization, conflict resolution etc.

What are its mandates?

As I have already mentioned the mandates of WECS are huge. Its primary responsibilities are to formulate necessary policies, strategies and planning of projects with long term visions, conduct study, research, survey and analysis on various aspects of water resources and energy development in keeping with the priorities and targets of Government of Nepal. Besides, Water Resources Strategy and National Water Plan have mandated WECS as Central Regulatory Body and have imparted the authority to provide techno-economic clearance for various major water related projects including multi purpose projects/projects with inter-basin transfer/trans-boundary implications. However, this authority is yet to be supported by legal instruments for effective implementation.

Has WECS made any contribution in constitution making?

WECS has conducted a series of workshops and discussions/interactions among various stakeholders including Constituent Assembly members, eminent water experts, and civil societies to advocate the state restructuring in the perspective of natural resources management. WECS with representation by its officials in Natural Resources, Economic Right and Revenue Sharing Committee has been providing valuable inputs as and when necessary. WECS and Jalasrot Vikas Sanstha (JVS) jointly organized a two day discussion program to make necessary suggestions/recommendations on the report prepared by the Committee. Proceedings of the program have been duly submitted to the Chair of the Constitutional Committee.

Experts are predicting that the climate change is going to affect Nepal's glaciers. As a policy level institution of water, what role has WECS been playing?

The glaciers of Greater Himalaya are known as Water Tower of Asia and support the livelihoods of the billions of people residing in the region. Several studies conducted show that climate change will have adverse effect on water as well as energy sector including many

other sectors like agriculture, health, and environment. As a result of global warming, it is believed as a fact that the glaciers have been retreating and resulting in expansion of existing glacial lakes and forming new glacial lakes.

Is WECS is doing something on this?

WECS) in association with ICIMOD has been involved in the study of Glacier Lake Outburst Flood (GLOF) assessment and mitigation aspect of potentially dangerous glacier lakes in Nepal. WECS has also prepared a concept paper on GLOF. Besides, WECS has prepared report on Water Resources of Nepal in the context of Climate Change. This report is released on March 17, 2011.

As WECS is known for its expertise, what is the state of WECS now?

WECS with its expertise on water and energy can play and is playing a pivotal role in the water and energy sector of Nepal. WECS's expertise on river basin planning and management, modeling of water use and allocation, development of multi-purpose projects and trans-boundary water issues will be very useful for the government agencies as well as private developers. It can provide technical support on resettlement and rehabilitation programs in hydro-electric projects, water optimization in river basins and resolution of the conflict between different competing uses of water. No other institution in the country can provide a holistic overview of the water sector of Nepal than WECS.

What are other areas?

Based on its expertise, WECS has initiated and is implementing many programs which I have already mentioned above. Additionally it is working as a secretariat of the WEC-Nepal National Committee for World Energy Council (WEC), secretariat of the ICOLD-Nepal National Committee for International Commission on Large Dams (ICOLD) and is the member of these organizations. It is also a member of Network of Asian River Basin Organization (NARBO) and Water and Environment Partnership in Asia (WEPA). It is also entrusted as the focal point of BIMSTEC for energy sector.

Nepal has been facing severe water as well as energy crisis. What role WECS can play to find out a long



term solution?

The present crisis is the result of our inaction of the past, whether we talk about water supply or energy. During the last one decade we could not do much in harnessing our water resources, whether it is for water supply or hydropower generation. The electricity supply could not match the ever increasing demand because of the nature of our hydro-electric projects (Run of River type). Similarly our water supply could not match the rapidly increasing urban population because we did nothing in action even though the crisis was looming over our head. In order to get out of the vicious circle, we have to add more projects in a shorter span of time and develop transmission network to evacuate the energy generated from different power stations.

What has WECS done in this regard?

WECS was entrusted as the coordinator of the task force to formulate Twenty Year Hydro-electricity Development Plan. During the study, it was found that if we honestly work hard, the country can generate 1815 MW of electricity by the year 2014 out of which 1645MW will be available for domestic consumption and the rest for export. The next five years will be crucial for the energy sector of the country.

Despite its institutional capability and technical expertise, WECS is said to be made as a dumping ground for technical and civil service people

.How do you look at this?

I would not entirely agree with your statement of WECS made as a dumping ground for technical and civil service, although there are some issues which may have triggered you to make such a statement. Personally for me, it has been quite a useful experience. As you know I am not a technical person in relation to water and energy sector. Being a generalist, I have had a great opportunity to enhance my knowledge regarding water and energy sector after coming to WECS.

Tell us more on your experience?

WECS is regarded as a think tank for Government of Nepal in the area of water and energy and it has expertise also, but due to the lack of clear cut work mandate with full legal backing, it has been quite difficult to perform up to the expectations. Institutions like WECS need to be independent and not under the shadow of a particular ministry.

Since large numbers of employees are hanging here and there, how do you claim that it is not a dumping ground?

Dumping ground for technical and civil service personnel is a place where there is no scope for showing ones' personal performance and expertise. Contrary to this, WECS as an institution has ample scope for its employees to show their performance and expertise. It has very good reputation among similarly mandated international organizations and relevant experts.

Ground Water Reality

DR. RAVI SHARMA ARYAL



Groundwater is water that is found underground, in cracks and spaces in soil, sand and rocks. The top of the area where water fills these spaces is called the water table. Heavy rains or melting snow may cause the water table to rise, or an extended period of dry weather may cause the water table to fall. Groundwater supplies are replenished, or recharged, by rain and snow melt. In some areas of the world, and even in Nepal, people face serious water shortages because groundwater is used faster than it is naturally replenished. In other areas, groundwater is being polluted by human activities. Like any renewable resource, groundwater could be consumed indefinitely as long as the rate of withdrawal does not exceed the rate of replacement. Over pumping of an aquifer occurs when groundwater is withdrawn faster than nature can replace or recharge it.

Therefore, groundwater depletion is a growing problem, not just in Nepal but worldwide. Many parts of the globe face serious fresh water shortages, which have resulted from groundwater depletion and water quality problems. Many communities obtain their drinking water aquifers. Water suppliers drill wells through soil and rock into aquifers to reach the ground and supply the public with drinking water. Many homes also have their own private wells drilled on their property to tap this supply.

High rainfall totals generally give rise to abundant water supplies, at least seasonally, and surface water and groundwater are both important sources for domestic, industrial and agricultural use. Groundwater is abundant in the aquifers of the Terai and the Kathmandu Valley. About 50% of the water used in the city of Kathmandu is derived from groundwater. There is an overall lack of water-quality data for Nepal and hence assessment of the main quality problems is difficult. Many of the documented problems are related to pollution of both surface waters and shallow ground waters from domestic, agricultural and industrial wastes. Much of the Nepalese population uses surface water for potable supply which is most vulnerable to

pollution. Hence only 34% of the populations are thought to have access to safe drinking water.

Historically, rights and ownership issues concerning ground water have never been viewed seriously. However, no such regulatory framework concerning the rights of ground water by its users as well as the stakeholders exists. It is not even considered as a similar activity like mining, that many other countries consider. Thus, there is ambiguity in defining the ground water resource and the rights over it in Nepal. Similarly, overlapping authority of different institutions working on ground water shows institutional problems for regulating ground water. Ground water Management Committee is formed by an order but hardly could regulate ground water as Kathmandu Upatyaka Khanepani Limited, Drinking Water Supply Authority and Department of Irrigation are using ground water in their own ways without coordination.

Confusion at the conceptual level also lends itself to field levels as we see the case of ground water in Nepal. It is neither in the private domain, nor entirely in the public domain. As far as its extraction and use in agriculture, industry, or domestic sectors is concerned, both the private and public sectors are involved. However, extraction of water for selling to other users is not possible by the private sector, which would have resulted in its being an extractable commodity because all sub-soil products are, by law, under the government's jurisdiction. But in reality there is a lot of violation on use of ground water uses. Such activities are in operation in a huge scale especially in Kathmandu Valley and water table level has been decreasing day by day. Experts say this might create natural disasters and could convert our land into desert if water extraction is continued in unmanaged way.

National Water Plan 2005 provides importance to ground water uses together with National Water Resource Strategy 2002 but less priority is given to it in the regulatory framework. There is no special act to regulate ground water in Nepal except an order which created the

Committee for Underground Water in 1975. This Committee is chaired by the Secretary of Ministry of Irrigation. The mandate provided to this Committee is to survey, study, innovate, supervise and monitor ground water. Together it could develop information system and develop plans and utilization strategy on ground water. This order only provides a board formation mandate to work in this sector. But this order is not sufficient to regulate ownership and other ground water issues.

Conflict on ground water in our neighboring country India could be a good example to point out here. Activists say an ongoing drought has threatened groundwater supplies across India, and many villagers in rural areas are blaming Coca-Cola for aggravating the problem. Coca-Cola operates 52 water-intensive bottling plants in India. In the southern Indian village of Plachimada in Kerala state, for example, persistent droughts have dried up groundwater and local wells, forcing many residents to rely on water supplies tanker in daily by the government.

Competition over ground water resources between mechanically powered Deep Tube wells (DTW) and manual hand pumps for drinking water supply are forcing communities and authorities to think about instituting regulations over the use of ground water. However, as conflicts are increasing, people and communities are beginning to develop local level controls and self-management of this critical open access resource. Unlike the other major open access resource—surface water of rivers—whose use faces some regulations in terms of diversion or lessening of flow, as well as fishing rights, the ground water resource is still very much in a *laissez faire* state. It is also not a common resource for communities to regulate its use, as its extraction is dependent upon technologies without which it is not available unlike forests and pastures, which are there for people to use.

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Towards A Constitutional State

DEV RAJ DAHAL,

Introduction

Nepal is in the process of national envisioning for the construction of a democratic state. It is creative moment for the citizens to exercise their rights and express legitimate aspirations through various participatory mechanisms in the Constituent Assembly. But, these rights can be realized only within an effective state having legitimate monopoly on power and ability to enforce rule of law. A democratic state, moreover, also unites the general will of all citizens into a sovereign power to abolish the state of nature and reduces the menace of fear in society stoked by irrational human nature, nature of state, and "state of anarchy," which political realists uniformly label for the nature of the current world system. Civilized states have already resolved this problem through democratic-will formation, harmonized laws with the fundamental rights of citizens, established the rightfulness of law and legislative legitimacy.

In Nepal, the peace accord and Interim Constitution define the framework of constitution envisioning the authority of state based not on power equation but on democratic principles. The peace they postulated aims to reduce conflict by eradicating the structural injustice of society, bringing social transformation, and setting off post-conflict peacebuilding process. One can, however, see a clear disjuncture between the public expectation of post-conflict peace dividend, and the leaders' incapacity to create open-access public order that proscribes the use of violence and allows citizens to pursue their rights and enterprises.

Constitutional Control

The Nepali state presupposes constitutional closure in a number of areas to resolve all contesting issues within the bounds of Constituent Assembly. First, democracy is tied to national self-determination of citizens in all national initiatives including constitution-making. Unreasonable external penetration on constitutional drafting and public policy undermines public ownership in it. Public policy making is the prerogative of the national parliament as it is regarded political microcosm of national representation. Third, recruitment of army is tied to

national citizenship, not those who attack nationalism through the instrumentalization of primordial and communal passions weaken state-bearing institutions. In a security vacuum rule of law becomes just meaningless. Fourth, the creation of social welfare state is linked to the control of the immigration of foreigners because native citizens are legitimate claimants of welfare rights. But, the spread of globalization beyond the writ of state, has blurred the boundaries between domestic and foreign policies.

Crisis of Rule of Law

Law can prevail only under rule of law, a law that socializes citizens to act according to constitutional tradition of politics. In Nepal, crisis of law springs from many sources. First, interest of political parties to implement multiple ideologies rather than agreed laws and public policies in the country is flagging the common identity of law makers and citizens. It has marked a coming crisis of Nepali citizenship. Second, the basis of laws on property ownership, not public reason, has made laws of no consequences for the poor. Third, the problems in de-linking violence from politics and perpetuation of impunity for powerful have eroded the impersonality of law. And finally, inability of rule of law to establish human rights of citizens as sacred and inviolable has created trust deficits. Law can become a medium for social and system integration in Nepal if it is grounded in universal public reason and public participation. Legal technocrats' vehement arguments in defense of known culprit against innocent citizens in no way amounts a fair justice in a country like Nepal where legal literacy among Nepali people is pathetically low and majority of citizens cannot afford to buy the service of lawyers. If a hefty fee makes legal technocrats unconscious of the corruption of self-interest, law fails to become a conception of common good. To be truly sovereign in the implementation of law, Nepali state has to render itself autonomous from the dominant interest groups of society and address the distributional struggle of the poor for social justice, a conception of higher law, necessary to achieve a stable peace.

Leadership Challenge

The deviation of Nepalese leadership

from both state-bearing institutions and local governance and their bids for executive power have weakened the division and devolution of power and any zeal for the transformation of negative peace into positive peace. It has begun to erode the nation's civic spirit itself undermining moral and political checks of national polity. As a result, the proliferation of factional politics has produced continuous deadlock over power-sharing and constitutional issues diminishing the outreach of state in society. None of the parties are able to inspire confidence in each other for the vision of a common good and address the anarchy of armed outfits who oppose state sovereignty. In this context, autonomy and fairness of judiciary and watchdog functions of civil society, media and public institutions are necessary

Imperative of Active Citizenship

The intense craving of Nepali citizens for a release from their suffering from basic needs deficits has made them non-stakeholders of rule of law and constantly struggle for change through extra-constitutional means. In the situation of utter contempt for the powerless, constitution building requires inventing proper means to reduce the level of structural injustice by offering peace dividends, curtailing the menace of violence, and democratizing the pyramids of undemocratic structures so that journey to self-realization becomes easier.

Conclusion

The challenges before the upcoming new constitution lie in building bridges across the gaps between the state and citizens, institutions and aspiration, and groups and individuals through healing and reconciling with the spiritual, social, economic, and political resources of the nation. This, however, requires a self-reflective learning of the leadership about the wisdom of ordinary folk, public opinion, and cultural heritage of the nation's tolerance of diversity nurtured by its sages, statesmen, and citizens for long. It is preposterous to think democratic state without acknowledgement to historical identity of its nation and tolerate external intervention in whatever the name.

Excerpts of Paper presented by Dahal, head of FES-Nepal, at a Half day Workshop recently.

MISSION MUNICIPALITY

For Clean Nepalgunj

Long after becoming helpless witnesses to irregularities committed by representatives of major political parties in the municipal functions, the civil society members living in Nepalgunj Municipality have finally launched a campaign to make the institution accountable, clean and effective. Under the nominees of political parties since 2006, Nepalgunj Municipality, which was once regarded as robust, has now turned into a mess. How the civil society campaign makes the municipality responsive remains to be seen

By NETRA KC in Nepalgunj

Development work has come to a complete standstill in Nepalgunj for the last six years. Infrastructure like roads and hospitals is a casualty. Worse is the rampant misuse of municipal budget. After the expiry of the tenure of elected representatives of the municipality in 2001, the institution has been under non-elected representatives of various political groups. After Janadolan II, the municipal affairs went under the control of four major political parties- Nepali Congress, UCPN- Maoist, CPN-UML and MJF.

"Enough is enough. We cannot tolerate the inaction and irregularity in the municipality. We want effective service delivery, improvement of local infrastructure and clean and healthy city as it was in the past," said Bhola Mahat, regional representative of INSEC and convener of the Mission. "When a public utility institution fails to function properly and political parties do not respond, it is the duty of civil society to raise the issue. This is what is our objective."

With bumpy roads, the city is full of dust. The uncollected garbage is left everywhere. People cannot find fresh air to breathe. In the rainy season, the city turns into a big pond due to lack of sewerage and drain. Even newly constructed and upgraded roads, pavements and other infrastructures do not last long. The situation of Nepalgunj Municipality has shown how life

becomes a mess in case the local bodies fail to respond and address the issue in time.

"We have watched inaction of the municipality and municipal officials and political mechanism for years hoping that they will act. We are compelled to raise the issue as people are losing faith," said Mahat.

Preamble of Local Self-Governance Act

Local Self Governance Act's preamble says it is expedient to make provisions conducive to the enjoyment through the utmost participation of the sovereign people in the process of governance by way of decentralization and to constitute local bodies for the development of the local self-governance system in a manner that they are able to make decisions on the matters affecting the day-to-day needs and lives of the people by developing local leadership.

According to Local Self-Governance Act 1999, the government formed the local bodies building and development of institutional mechanism and bearing responsibilities. The act follows the principle and policies for the development of local self-governance system having the municipalities oriented towards establishing the civil society based on democratic process, transparent practice, public accountability and people's participation in carrying out the

functions devolved on them.

According to the clause 96 of the act, there are certain mandatory functions and duties of the municipal areas. Along with preparing the annual budget, the municipality has also functions and duties related to physical development, including to carrying out plants on drinking water, drainage in the areas of municipality and operate, maintain and repair or cause to be operated, maintained and repaired the same.

To preserve rivers, streams, ponds, deep water wells and utilize them properly, to control and prevent river cutting, flood and soil erosion, to carry out, transport and manage the disposal of garbage and solid waste, to distribute electricity to municipal areas, to manage the pre-primary schools are the duties of municipality.

State of Municipality

Whatever the resources it has and whatever the situation in the municipality, no new development projects like roads have been started in Nepalgunj Municipal area. Due to use of low quality materials, the repaired black topped roads turn into earth in a short time and the drainage systems are virtually defunct and the city is full of uncollected garbage.

Although the municipality has been annually spending millions of rupees under these titles, the huge chunk of money was misused by local leaders of political parties, local employees of

municipality and contractors. There are financial irregularities everywhere.

"After knowing about the huge irregularities, we have already summoned our previous representatives and appointed new ones for the post," said leader of Nepali Congress. "Our party representative may have done some wrong but he alone cannot be blamed. All representatives of political parties attended the meeting and approved the programs and budgets."

CPN-UML's representatives too hold similar views. "Our representative often was misled by municipal employees. Our party has already nominated new representative," said UML district chair.

The tragedy of Nepalgunj Municipality - which was regarded as the best municipality till a decade ago in terms of roads, drinking water and sewerage - is that it did not formulate plans for people. Due to this, it looks like a city of full of earth and garbage.

Moreover, traffic jams have become a new problem in Nepalgunj as the construction and expansion of the new urban roads is virtually halted and the number of vehicles grows.

Thanks to unholy alliance between municipal employees, representatives of political mechanism and contractors, every year the annual budget is spent on paper. The municipality makes plan for road construction and improvement of other infrastructure and calls tenders. So far as the qualities of works are concerned, they are below the par.

In some cases, the contractors collect advance money and collect the final installment just completing the paper works. "The budget allocated for the development works is generally divided among representatives of political parties, employees of municipality and contractors."

Due to this, many construction works including culverts, roads, drinking water taps and other buildings are ruined a few months after the construction.

"Political party representatives and members of civil society have been making hue and cry blaming us squarely. This is unjust. Political representatives pressed us to award contracts and issue checks. We are not the persons to prepare the plan and sanction the budget," said an employee of municipality on condition of anonymity. "A lot of work has been completed. The quality of work was compromised because of leaders of political parties who wanted money to



Nepalgunj Municipality

their henchmen."

In terms of budget allocation, Nepalgunj Municipality's annual budget has been increasing for the last one decade and the donor agencies like UNDP and UDLE have also been supporting the basic requirement of municipality. However, the face of municipality is still ugly.

It is estimated that around 18 tons of waste is generated within the municipality each day. The major solid waste generators in Nepalgunj municipality are hospitals, clinics, nursing homes, medical shops, groceries, slaughter houses, vegetable markets, pathology labs, and hair saloons etc.

Waste collection and transportation is solely carried out by the municipality. There is no specific collection centre in the municipal area. The wastes are thrown in empty lands, road sides and storm drain. The municipality sweeps the road and collects the waste from roadsides. The drains are also cleaned frequently and the wastes are taken out and the wastes are collected. Three tractors are mobilized to collect the wastes from 17 wards of the municipality. The municipality has employed about 93 sweepers and laborers to clean up the city.

With support from Practical Action, Municipal Association Nepal, UDLE, Europe Aid Cooperation Office, a project Strengthening Local Capacities in Integrated Sustainable Waste Management (ISWM) in small and medium municipalities of Nepal showed

the state of Nepalgunj municipality in garbage.

"The municipality does not have enough budgets under sanitation. We don't have vehicles, tractors and employees in sanitation department. These all are creating problems," said a municipal employee.

Mission to Save the Municipality

After looking at the rampant misuse of resources, a group of lawyers, human rights activities, and media institutions have set up a Mission Municipality. The alliance points out the weakness of political parties to turn the municipality into a mess.

The mission has already organized a couple of discussions programs with various stakeholders including the political party leaders, lawyers, media persons and others. The mission also informed district administration and CIAA about the growing misuse of authority in the municipality's day to day work. "We are very much concerned about the executive secretary of the municipality," said Mahat.

However, the municipal employees said that the civil society members need to press the representatives of political parties who are holding the key as members of all party mechanism - which is equivalent to Municipal Council and Municipal Executive body. "No program can be executed without the approval of the mechanism," said an employee. "Why is the civil society organization silent about this?"

According to Clause 80 (1) of Local Self-Governance Act 1999, the municipal council is the supreme body to formulate the policies and programs. Political mechanism, though it is composed of nominated representatives of political parties, enjoys equal power and authority as previously elected council members.

According to clause 100 (a), functions and duties and powers of secretary are to perform all administrative functions of the municipality under the direction of mayor, to execute the approved town development program under the direction mayor and to maintain accounts of expenses incurred on the construction works performed within the municipality and so on.

Human Rights Caucus recently organized a discussion program inviting the representatives of political parties, media persons, lawyers and other civil society members. The caucus holds the view that the inaction of those groups is also responsible for the present mess in the municipality. It also draws the conclusion that there are rampant irregularities in the municipal development activities.

Budget Expense

According to the Key financial indicators of Nepalgunj Municipality, actual capital investment is weak. Prepared by UDLE, the indicators show the Nepalgunj Municipality heavily spent its money under the capital investment out of its total budget.

According to UDLE, Nepalgunj Municipality generated Rs. 104,284,372 in the year 2006/07. Out of this, It spent Rs. 44,492,538 as a capital investment. In the years 2002, 2003, 2004, 2005, 2006, the total expenditures of the municipality were Rs.31, 329,901, Rs. 28,116,485, Rs. 40,147,549, Rs. 28,230,964 and Rs. 39,710,290. Out of this, the municipality spent as a capital investment Rs. 13,144, 412, Rs 8,144,553, Rs 19,924,863, Rs. 7,129,475 and Rs. 8,755,374.

As the number of employees increased, the ratio of employees' salary, allowances and travel and per-diem also increased in the last five years. In the year 2005/06, the total salary was 2,276,420 but the salary of 2008/09 was more than Rs. 30 million.

The regional representative of INSEC Bholu Mahat charged that negligence of leaders of political parties and municipal employees was responsible for the present state of municipality.

"The development process of the municipality was disrupted because of their inactions," said Mahat. Political parties nominate their representatives but they have hardly asked what has been going on in the municipality," said Mahat, convener of the Mission Municipality

Sixteen political parties have nominated representatives for the political mechanism of the municipality. The mechanism is equivalent to the elected council of the past. Following mounting criticism from civil society, two largest parties Nepali Congress and CPN-UML summoned their representatives from political mechanism and appointed two new party representatives.

Mission Municipality

One of the aims of the civil society caucus is to book the culprits involved in the irregularities and make the municipality free from corruption. Divided into 17 wards, the population of the municipality is 300,000.

Due to the bad conditions of road and lack of proper drainage, the municipality has been facing a number of problems. However, municipality has done nothing in the last five years. The common people squarely blame executive officer Ram Lal Shrestha for the state of affairs.

Following the complaints of local people and civil society members, the Commission for Investigation of Abuse of Authority raided the municipality and took various documents under control. "After initial investigation of the documents, we found a lot of evidence of rampant corruption," said Devendraraj Bharati, local unit chief of CIAA.

According to Bharati, executive officer Shrestha is irregular and the team found that he was absent up to 16 days in a single month. There is rampant indiscipline in the municipality and employees do not obey the basic rules. "We have issued several warnings to employees and executive officer Shrestha but nobody listened to us. Executive secretary Shrestha is responsible for the present state," said Bharati.

The CIAA committee also found that executive secretary distributed donations to various persons arbitrarily. After investigation of official documents of municipality, the caucus found that more than 10 million rupees was distributed to the retired employees of municipality.



Nepalgunj's City Road

The caucus accused that executive Shrestha distributed 30 million rupees in development budget received from UNDP and 7 million rupees from internal resources to the employees. Executive Shrestha also distributed petrol to the workers of political parties to appease them. By selling the coupon of petrol, workers of political parties buy alcohol, meat and other commodities.

Executive officer Shrestha, however, denied all these allegations and said they were personally motivated works of some individuals.

According to clause 90 of Municipal Council, it is the council which sanctions budgets, formulates plans and issues guidelines to municipality. Under the direction of the government, all party political mechanism is now replaced by it. Under the government decision, the political mechanism has sweeping power related to day to day affairs and development issues of the municipality. From awarding tenders to other executive works, the executive secretary has to abide by the political mechanism.

"I cannot do anything alone. There is a board represented by all political parties. Only after the consensus and agreement in the board, I was authorized to use budget. Due to political pressure, I was unable to carry out development activities.

"It is unfortunate that we are unable to initiate development activities but I have no idea about the misuse of money," said Krishna Raj Pandey, representative of the United People's Front.

This is the eighth of nine investigative stories on politics of local bodies supported by The Asia Foundation. The views expressed by the Author do not necessarily reflect those of The Foundation or founder ■

ARAB UPRISING

Desert Storm In The Himalayas?

The raging uprising in the Arab streets pose serious questions on the sustainability of Nepal's remittance-based economy

By SANJAYA DHAKAL

The worsening instability, particularly in the Gulf countries, has increased worries about the security of around one million Nepali workers and the national economy that is dependent on the remittance they send back home.

Every year, Nepal receives around Rs 230 billion as remittance from almost two million Nepali migrant workers spread around the world.

Of the total, half of the workers are stationed in the Gulf countries alone.

The uprisings in that part could severely derail stability back home, warn experts.

Raging Flame

The flame of uprising that started three months ago in Tunisia is engulfing Arab countries one after another - Egypt, Libya, Yemen, Oman and Bahrain.

In the last one decade, the remittance receipts have become the mainstay of the Nepali economy.

In that, the stability of the Gulf countries is as important - at least from economic perspective - to Nepal as is its domestic political stability.

But the scenes of popular unrest, street protests and rebellion in streets of Arab that have hugged the world headlines since last three months is now threatening to unravel the stability that had marked the Arab world for many decades.

Analysts also fear that since the protesters have, often times, raised sentiments of 'nationalism,' the future of foreign employees hangs in balance.

The future dispensation in these countries may be lesser inclined to importing laborers, they say.

"This is certain to have long lasting impact on Nepal. If the agitation spreads and results in regime change in countries such as Bahrain or Kuwait or United Arab Emirates, then we have absolutely no idea how the future government would react to foreign employment. This can invite an unfortunate situation for us," said Nishchal Nath



Nepalese Worker Returning from Libya

Pandey, Director of Centre for South Asian Studies.

He also regrets what he calls total indifference on the part of the government towards the unravelling situation in the Gulf despite its tremendous implications for Nepal.

Financial Tsunami

The economists do not think that such a situation is impossible. They warn that it could have tsunami-like impact on Nepal's economy.

"If due to the current Arab uprisings the remittance flow is affected, then that will break the backbone of Nepali economy. That can trigger a financial earthquake. In fact, that can even un-

leash another political explosion in the country," said Dr. Bishwambher Pyakuryal, an economist.

He points out to the fact that every year around 400,000 Nepalis come looking for job in the employment market. "We do not have industries to take all of those workers. Therefore, for the time being, we have no alternative other than the foreign employment."

The latest data show that in the six member countries of the Gulf Cooperation Council - Bahrain, Oman, Kuwait, Qatar, Saudi Arabia and UAE - there are almost one million Nepali migrant workers.

In Bahrain, where the agitation has intensified, there are around 20,000 Nepali workers. In Saudi Arabia, where protests have largely been sporadic, there are 450,000 Nepali workers.

Former Finance Minister Surendra Pandey agrees that it will not be in the long-term interest to bind national economy so firmly with the foreign employment that is vulnerable to factors outside the control of the country.

"We must go for building national industries. There is no alternative to that. We are living in glass house at the moment," he said.

The scariest part is what happens if the situations in Gulf Arab countries deteriorate to the level seen in Libya. The officials shudder to even think about the prospects of mass rescue. ■

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DRINKING WATER SUPPLY

Widening Gap

By MADHAV PRASAD GHIMIRE



Tens of thousands of people go for a long walk to get a bucket of drinking water. In rural parts of Nepal and urban areas, all people face more or less similar problems. Despite claims of Nepal being a country rich in water resources, we are yet to be able to supply water to all by 2015. Of course, the country has more than 6000 rivers with abundant waters. Studies have shown that the surface water available in the country is estimated to be about 225 Billion Cusec Meter per annum. However, the reality is different in terms of supply of water. Less than 70 percent of the population has access to water. We have to accept the reality that nobody can guarantee the question of quality of water. From institutional arrangement to capability, Nepal has already faced a number of problems related to water supply. Particularly, the

million but the infrastructure for water distribution is designed to meet less than one million people. This kind of a situation is there in all parts of the city.

All the cities in Nepal have been facing the problems of drinking water. Whether they are the newly emerging towns like Bharatpur or old cities like Bhaktapur, drinking water is inadequate. The gap of supply and demand is so huge in the urban areas that one cannot deny a major conflict on water in the coming days if Nepal fails to build the institutional mechanism.

Water has no substitution and there is no life without water. This is the reason celebrating the water week has significance. As water is life, it needs to be distributed equally to all. More than 80 percent of populations have access to drinking water but we cannot guarantee

that the water supplied to the people is absolutely safe for drinking. The gap between rich and poor is widening in urban areas as well as rural parts of Nepal. The challenges for coming days will be to fill the gap.

Kathmandu Valley has been facing chronic drinking water problems. A large number of people do not have access to water.

Even those people who have access to piped water don't

get safe and quality water. Despite the possibility to increase the supply of water by containing leakage, we are unable to do so. With a high priority, the government of Nepal has been executing the Melamchi Drinking Water project to solve the crisis of drinking water of Kathmandu. We conceptualized Melamchi in 1996 and, in the year 2002, we had the target to bring the water in the valley through a 29-kilometer tunnel by 2012. Despite tender award three years ago, we are yet to move as expected to meet our target. We need to ask the question what we did till now. I have to admit the fact that nobody can predict when the Melamchi will complete given the current situation.

Amidst this gloomy picture, there are

some positive signs too. Nepal government has recently made Melamchi as a flagship project. There is a unit to look after the progress of the project and we are taking all necessary steps to complete the project. After taking this initiative, the construction of the project has gradually accelerated. This is good news.

We have to accept the fact that bringing Melamchi project is not going to solve the problems related to water. Next problem will be the distribution of the water. Whether we will be able to do equitable water distribution or not is another important question. In Kathmandu, Kathmandu Upatyaka Khanepani Ltd (KUKL) has already started the improvement of distribution areas as well as ways to bridge the gap.

Water has multiple uses. We need water for drinking, irrigation and generation of hydro power. In case, the government fails to manage the water distribution, there will be a conflict in the future. There is enough indication for this kind of situation. For instance, the dispute between upper riparian and lower riparian has been there. Another question is about rights to use the water, whether water is for irrigation or drinking or power generating purpose. The questions of water user's rights and so on will be major challenges. The time has come for all us to think in this direction.

Nepal has been passing through a post transition period of a long bloody conflict. If we are unable to address this issue, the country has to face other conflicts that are going to be related to the conflict on water sharing. Even now the conflict between Melamchi's residents and Kathmandu's population has already grown on the issue of who need to get the priority.

Of course the slogan of this year's world water day is excellent but the time to live in the sweet slogan has gone. What we need is action and commitment to translate the slogan into reality. If we are able to do so, we can make a lot of difference.

(Ghimire is the chief secretary of Government of Nepal. Excerpts of his statement delivered at a program organized to mark the World Water Day)



Water Week Celebration

people living in the urban areas have to face very difficult tasks. The climate change is going to have adverse impacts on the availability of water and water will be the hardest hit by the climate change.

This way I am excited to speak on the slogan Water for Cities: Responding to the Urban Challenges. There is no doubt that the number of urban population has been rising and many rural people are shifting to the urban areas. The foremost important challenges they will face after migrating to the urban centres will be drinking water. Of course, there are problems of drinking water in rural areas too but the problem is much severe in urban areas in the context of growing population. For instance, the population of the Kathmandu valley is now almost 5



Care Work For Gender Equality

By SAMIRA POUDEL

"Every time I see a mother with an infant, I know I am seeing a woman at work. I know that work is not leisure and it is not sleep and it may well be enjoyable. I know that money payment is not necessary for work to be done. But again, I seem to be at odds with economics as a discipline, because when work becomes concept in institutionalized economics, payment enters the picture...No housewives according to this economic definition, are workers"

Marilyn Waring, Former MP, New Zealand (1999)

Care work is a service provided to others which can be either paid or unpaid. The social work everyone does at home, for instance, cooking, cleaning, caring elderly and children and all other household works are not taken as a productive work until recently. Economy only takes into account those works which are connected to financial benefits and wage is counted as per labor hours spent.

Obviously, care activities also take up a large amount of time and energy for those who perform it because it requires a superhuman strength and not all can cope with these tasks.

However, even if it is recognized that all these services at the household sector are equally important and valuable form of production point of view, there is still a dilemma of how to make this services visible from invisibility in economic calculations and counted as labor and work.

For instance, if we look into some families, where female members are also in formal jobs, they have started hiring a person to look after the elderly or the children with a monthly salary which is again an economic issue to the person who is doing this job. This is already a fresh recognition to care work and slowly it can be transformed into productive work in a more organized way. Large numbers of women are entering the public arena from the private life of household; this means a solution can be found where women are entitled to do care work as a choice and also an opportunity. The changing nature of economy has given women freedom and justice and no job boundaries are felt between male and female. Why is care work so important and what are its implications? Even if the country agrees to all UN resolutions and launches national action plans,

nothing can be changed when important issues like this are left behind. Care work has a crucial relationship with economic empowerment which unfolds new employment opportunities. A characteristic of successful economic empowerment is the ability to exercise choice in matters of society, economy and politics. Women who were often treated as dependent of men in social practice have now freedom to choose job. Economic empowerment plays a vital role in decision making. Above all when women are economically empowered then

the economy. They will be free for the development work and contribute on the economic progress of the country.

If care work is dealt with economic lens, then it can be one of the major pillars of social security, which is one of the most essential aspects to maintain justice in the society. Justice creates level playing field for both male and female and also generates equal access to opportunity. To be sure, social security is important for social and economic development. We cannot measure social security only in term of costs, but also an investment in human assets for better productivity and freedom. These consideration help to reduce poverty maintain equity and equality and support economic and social capacity of women. To connect social security with care work, state or charitable institutions have to invest in care centers so that it is easily accessible to low income groups of Nepalese society.

Conclusion

Until recently, care work in Asia has not been taken as a work, but now it is getting recognized. Its indirect contribution to the household to GDP has inspired policy makers to institutionalize care work considering that it creates the environment for equal access to opportunity. Care work from economic perspective, takes into account the concern of focus on informal part since large number of women's work are based on household tasks which are largely unorganized and informal. Unless the state gives priority to these tasks and makes it visibly counted in the GDP, the path to equality is difficult. As both men and women are living together, each and everything that happens affect them equally. Therefore, removal of the traditional, social and cultural barriers is a precondition to move further to a spirit of mutual cooperation. Since every society has its own customs and values, it is very difficult to reform and have strong gender commitments. It is very important to empower the disadvantaged women, but without ruining the society's positive norms and the value of social security provided by our families. Therefore, knowledge, awareness and economic empowerment will slowly bring changes at some point and will unfold the utility of new economic concept of care work. ■



Woman at Work

paradigm shift of society will occur from inequality to equality. To create a just and equal society planners have to concentrate on this new option of care work which is engaging women all the time and not having freedom to take part on public affairs. Care work in Nepal's context is the most important issue which is hindering the future path to equality.

Care work in the village life is less a matter of concern as family members volunteer this job. But in urban areas there is large number of care centers opened to give care for children, elderly and the needy ones. In rural areas, women are totally occupied with care work and other household tasks which are not as easy as in urban areas. All these tasks are making them extremely busy and they cannot even concentrate on agricultural tasks where 74 percent of the women workers are engaged. Huge shift of male youths to foreign employment is another biggest challenge, where women are left with added responsibilities for all private and public tasks. Therefore, if the issue of care work is taken over by the state, civil society institutions and private sectors then women can compete with the equal access to opportunities offered by

Smoky Homes

-By *BUDDHA BASNYAT, MD*



Three decades ago Dr Mirgendra Raj Pandey with the help of young doctors and health workers showed that indoor pollution in the homes due to open hearths was a major cause of ill health in Nepal. Changes were made in constructing better chimneys and smokeless 'chulos'. People were able to breathe better as a result. However the problem of open fireplaces in homes persists and continues to wreak havoc. Nearly 2 million people die prematurely in the developing world due to indoor pollution. Recently Hilary Clinton has taken up this cause by trying to help introduce more efficient, inexpensive and user friendly stoves in village homes in the developing world. The program will be headed by the United Nations Foundation which is a charity.

Sadly, even today one of the most important problems we see in the hospitals in Nepal especially in the winter time is chronic obstructive lung disease (COPD). Visit any medical ward in Nepal and almost every other bed has a COPD patient. Once the patient has

the full blown disease, it is game over because doctors cannot do much at that stage. Prevention is better than cure applies very clearly to COPD.

The most intriguing finding from Dr Pandey's early work in the villages in Jumla, rural Kathmandu, and the Terai was that women had significant amount of COPD which lead to early heart failure and death. This catastrophe happened notwithstanding the fact that women smoked far fewer cigarettes/bidis/tamakhu than men. In these women there was an obvious co relation of the excessively high prevalence of COPD and hours spent cooking with firewood and cow patties in soot filled kitchens. Relatively young woman in their forties suffer from this disease if they cook in the smoky atmosphere year in and year out. Amazingly these women some of whom smoke only 3 or 4 cigarettes a day have lungs that resemble four pack a day smoker of a veteran's hospital in the US. This is the additive effect of using firewood and 'ghuita' for cooking.

This exposure to the deadly smoke in

the home continues in Nepal. Cigarette smoking and atmospheric pollution have not helped. But women in Nepal as in many parts of the developing world continue to cook in open hearths. Besides COPD, a whole host of other problems are caused by smoky homes and open fireplaces: eye problems, heart problems, lung cancer, pneumonia, and burn injuries especially in children playing around the open hearth. The burn injuries are especially tragic as, if the child survives, the initial injury may lead to burn contractures of the surrounding area of the skin and require 'release' operations which may not happen in a village setting in Nepal.

Many villagers are averse to change because they feel the smoke filled homes provides warmth in the winter and termite prevention from eating away the roof of the house. So, dealing with these possible misperception and fears will be as important as installing a new stove or chimney. Otherwise projects of this kind are bound to fail regardless of their good intentions. ■



Doom To Come

By *SHRADHA GYAWALI*

Nepal is often a victim of landslides, floods and earthquakes. In fact, it was originally formed by a huge earthquake over millions of years ago. This earthquake was of such an immense power that it resulted in the high peaks which now characterize Nepal-The Himalayas.

The last major earthquake to hit Nepal was in 1934, when almost 20,000 or more people were killed. Additionally, many residential homes in Nepal were lost and a number of great landmarks and national treasures were destroyed. Despite the terrible loss of lives, property, and infrastructure during this great earthquake in Nepal, little learning has taken place and that our country appears unlikely to successfully withstand another great earthquake.

As Japan counts the cost of the devastating earthquake in its aftermath,

a greater disaster may be looming over Nepal, which sits on the border between two huge plates that have moved together over millions of years to form the Himalayas.

Geologists believe Nepal is at a risk from an earthquake with a magnitude of around eight in the Richter scale that will kill more than half the population of the country, although it has not suffered a major quake for decades. Sadly, our country is woefully unprepared for such a jolt. Very low building standards, weak infrastructures, lack of planning and the fact that Kathmandu is built on the soft sediment of a former lake bed all contribute to a high risk.

Since our country lies in a highly seismic zone, the threat of an earthquake is very real. Experts have often stated that the next 'BIG ONE' is due anytime. If

such a great earthquake as anticipated takes place, the amount of devastation is sure to be mindboggling. Adding to the high fatality figures in the country is the inaccessibility of some villages and hence, the difficulty that emergency services may have in reaching and rescuing people. It is also notable that our country has very poor social infrastructure such as roads. Any disruption, damage or blockage of these roads could easily have a devastating consequence. Not only this, the people of our country have not been educated in safety measures. Buildings have increased dramatically over the past few years and finally the population of Kathmandu city alone has increased tremendously.

Awareness levels have increased over the past couple of years, but it is not enough. A massive and significant earthquake prevention programme is needed to be strictly reinforced and adhered to if lives are to be saved. Shouldn't we be preparing ourselves to face the upcoming doom?

Gyawali is based in USA

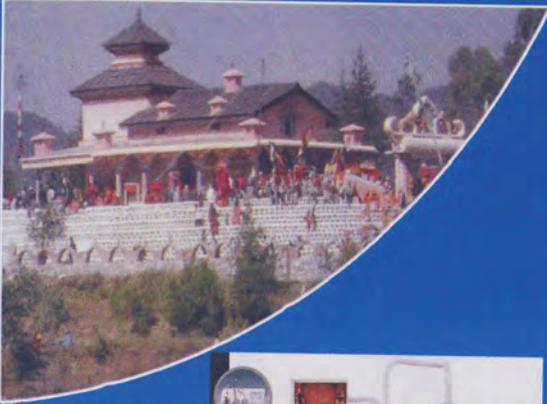


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