

# NEW SPOTLIGHT

Jan. 22 Feb. 04, 2010

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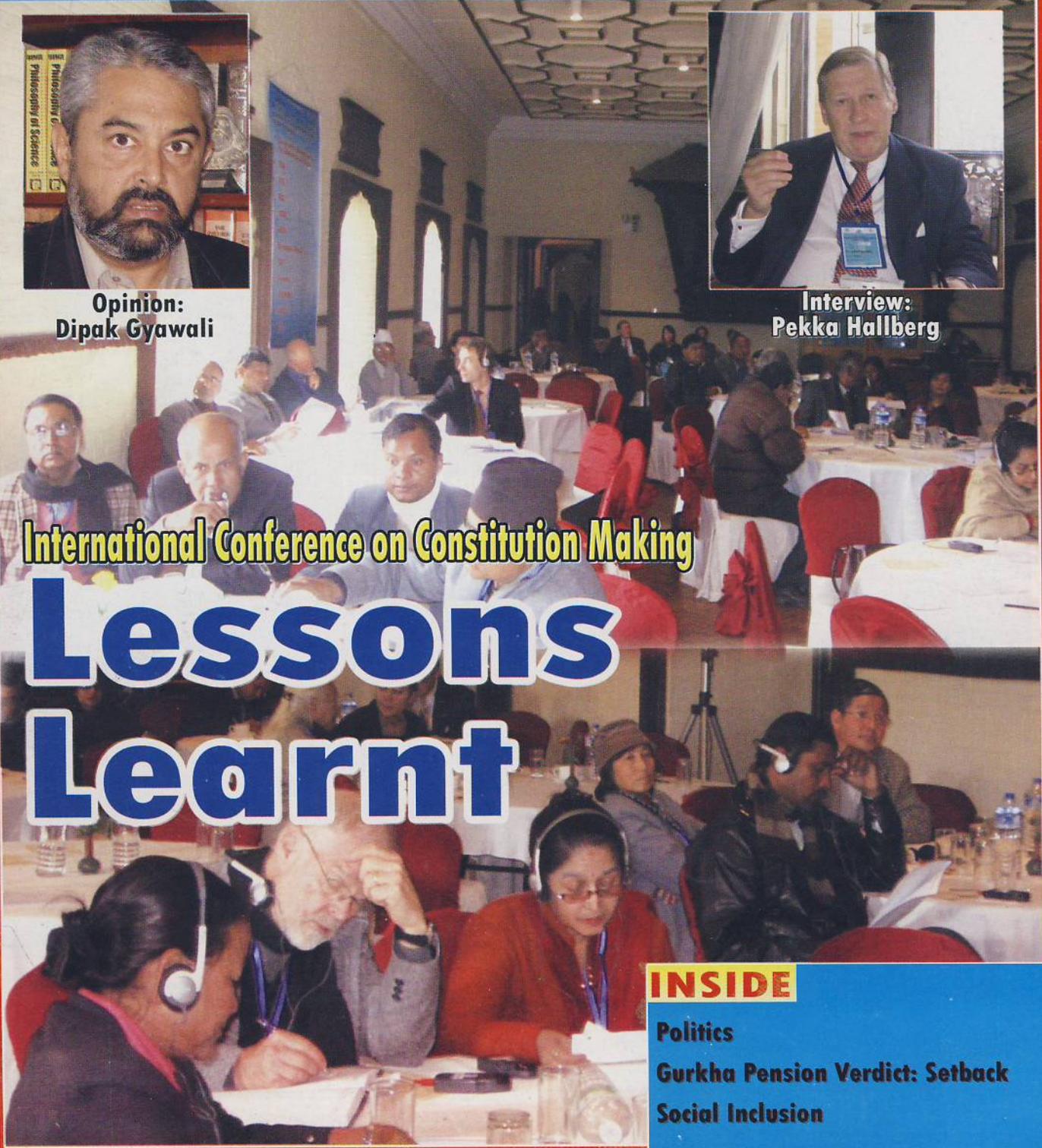
**Opinion:**  
Dipak Gyawali



**Interview:**  
Pekka Hallberg

International Conference on Constitution Making

# Lessons Learnt



## INSIDE

Politics

Gurkha Pension Verdict: Setback

Social Inclusion

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**COVER STORY:** Lessons Galore

10



**NEWSNOTES**

2

**OPINION:** Dipak Gyawali

4

**FACE TO FACE:** KV Rajan

6

**HIGH LEVEL MECHANISM:** Political Machinations

8

**GURKHA PENSION VERDICT:** Setback

9

**NEIGHBOURS:** Changing Times 5

**VIEWPOINT:** Dr. Surya Dhungel

19

**SOCIAL INCLUSION**

20

**CHANDA RANA:** Plant Fight Bearing Fruit

22

**SOCIAL SERVICE:** The Deaf Hear

23



**INTERVIEW:** Dr. PEKKA HALLBERG 16

**EXPOSITION**

24

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**Office :** Kamal Pokhari, Thir Bom Marg, House No. 559/144 (Opposite to Himlal Hospital)

**Printers :** Pioneer Offset Printers (P.) Ltd., Dillibazar, Kathmandu. Ph: 4415687

Kathmandu DAO Regd. No. 148/11/063/64, Postal Regd. No. 07/066/067

US Library of Congress Catalogue No. 91-905060



**Indian Army Chief in Town**

Nepalese Chief of Army Staff General Chhatra Man Singh Gurung meeting with Indian Army Chief General Deepak Kapoor at his office. General Kapoor arrived Kathmandu on Tuesday (January 1) for four days visit to Nepal.

**Rahman Named To Head ADB South Asia**

S. Hafeez Rahman, a Bangladesh national, has been appointed Director General of Asian Development Bank's (ADB) South Asia Department, with responsibility for ADB operations in Bangladesh, Bhutan, India, the Maldives, Nepal and Sri Lanka.



Rahman, who took up the appointment on 11<sup>th</sup> January, was formerly Director General of ADB's Pacific Department where he was responsible for ADB's work in its 14 Pacific member countries. Prior to this, he spent two years as Deputy Director General of the South Asia Department, and worked in the Department for eight years.

He thus brings extensive regional knowledge to his new position.

Rahman has enjoyed a distinguished career at ADB since joining in 1992. He led the resumption of ADB operations in Vietnam in 1994, and Afghanistan in 2002-2003 and helped initiate assistance to Kazakhstan in 1995 in the aftermath of the collapse of the Soviet Union. He was also Country Director in Nepal at the peak of the civil conflict from 2003-2006, and was deeply involved in ADB's stabilization and recovery assistance work to the countries hardest hit by the Asian financial crisis of 1997-99.

In 1999, Rahman received a performance award from ADB for his work in helping author ADB's Poverty Reduction Strategy. More recently, he was appointed to head ADB's Task Force during the food crisis of 2008, and is currently involved in another Task Force overseeing ADB's response to the Global Economic Crisis. He has also served as Advisor to ADB's Vice President (East) in the Office of the President.

**Moon Visited Nepal**

Patrick Moon, Principal Deputy Assistant Secretary of State for South and Central Asian Affairs, visited Kathmandu January 17-20. During his visit, he met with government officials, political leaders, human rights activists, and representatives of the international community to discuss the current political situation and the continuation of the peace process, the status of the discharge of the disqualified Maoist combatants from their cantonments, and economic development.

Moon was appointed as the Principal Deputy Assistant Secretary of State in the Bureau of South and Central Asian Affairs in March 2009. He served as the Coordinator for Afghanistan beginning in January 2008 and from June 2008 to March 2009 he served as the Deputy Assistant Secretary of State for Afghanistan. This is Moon's first visit to Nepal.

**Maoist Combatants' Discharge Begins**

The process of discharge of disqualified Maoist Army Combatants has already begun.

A total of 4,008 members of the Maoist Army were disqualified in the verification process that ended in December 2007, including 2,974 minors. The others were disqualified as late recruits. All 4,008 are scheduled to be discharged by 9 February.

201 disqualified combatants were discharged in Sindhuli on 7 January, including 155 minors. 372 combatants, including 278 minors, had been disqualified in Sindhuli during the verification process that ended in December 2007, but many were not in the camp on 7 Jan. They are eligible to attend a discharge process at another cantonment.

Delivering the statement on January 17 at the discharge ceremony, Richard Bennett, Representative, OHCHR-Nepal, said, "We know that many of you carry a strong sense of social activism and responsibility. We respect this. Nepal needs its agents of social change. We ask only – indeed we insist - that this be exercised through peaceful means. Out of uniform. Away from cantonments. Away from camps of any kind."

According to OHCHR, the rehabilitation options vary in length from a number of weeks to two or more years for the education option. On the day of the discharge, the former combatants will receive 10,000 rupees each from the United Nations for transportation and living expenses. About 500 of the 2,974 disqualified as minors discharged are under 18 years of age. The discharged will be monitored by the UN for 6 months. Besides the 4, 008, there are about 19,000 verified members of the Maoist Army. Discussions over their future, including integration into the security forces, continue.



### NBCCI Organized Interaction

Nepal Britain Chamber of Commerce & Industry (NBCCI) organized an interaction program with the Nepalese Ambassador designate to UK, Dr. Suresh Chalise last weekend at its office Laxmi Complex, Hattisar, and Kathmandu.

NBCCI president and CA member Rajendra Khetan said that the chamber is primarily working for increasing trade, commerce, investment and serving thereby towards the socio-economic development of Nepal and bi-lateral relationship between Nepal and the UK. He insisted that peace and competitiveness are essential for facing global challenges.

Kush Kumar Joshi, President – FNCCI, Nandini Lahe-Thapa, Nepal Tourism Board and Dhananjaya Jha, Joint Secretary- MOFA were also present at the program.

Dr. Suresh Chalise said that to have a sustainable peace, economic has to pick up and present investment environment needs to be more conducive.

Ashish K Sengupta, senior vice president of the chamber presented the vote of thanks.

The interaction program was followed by multimedia presentation by London Chamber of Commerce & Industry.

### Indian Assistance For Schools

Four separate Memoranda of Understanding (MoU) for grant assistance were signed recently by the Embassy of India, Kathmandu with concerned executing agencies of the government of Nepal and the beneficiary

organizations.

According to a press release of the Embassy, NRs.1.57 crores was given to Shree Fikkal Higher Secondary School, Fikkal, and Ilam for construction of the school building and for furniture and computers.

NRs.3.26 crores was granted to Society for Development of Lalitpur for restoration of buildings of historical and cultural importance at nine places in the district. Restoration of these buildings will help in preservation of centuries old heritage and culture of Nepal including Buddhist shrines.

### CAN Info-Tech 2010 Concludes

Drawing a large number of crowd, the five-day long CAN Info-Tech 2010 concluded in Kathmandu. The IT show, organized by Computer Association of Nepal, was inaugurated by Prime Minister Madhav Kumar Nepal. According to organizers, they sold about 300,000 tickets during the exhibition.

Millions of rupees worth of computers were also sold. Association of ICT Nepal's Sagar Lakhe said the Info-tech did a good business this year.

### Democratic Panel Sweeps NBA Polls

Advocate Prem Bahadur Khadka and



his democratic panel swept the elections of the Nepal Bar Association. This is the first time in the Bar's history that a democratic panel has emerged victorious.

Advocate Khadka won the elections by securing 2,566 votes against his rival candidate Hari Krishna Karki of the progressive panel at 2145 votes.

Bijaya Prasad Mishra was elected general secretary securing 2694 votes.

### UK Govt Hails Ruling On Gurkhas

The British government has announced that it has once again successfully defended a challenge in the British High Court on Gurkha Pensions.

According to a British Embassy press release, the UK government has welcomed the High Court ruling, stating that it has always sought to treat ex-Ghurkhas fairly. The British Ambassador, Dr Andrew Hall, also welcomed the judgement, saying, "I am pleased that the Court has once again confirmed that the Gurkha Pension Scheme is both good and fair. Generations of Ghurkhas have served the United Kingdom with courage, sacrifice and distinction and they continue to make a vital and valued contribution to operations around the world. We will continue to honour and reward their commitment under existing arrangements."

### UN Secy General Expresses Concern Over Peace Process

The secretary general of the United Nations, Ban Ki-Moon, has expressed concern over the possibility of the peace process, stalled for the past three months, collapsing.

Presenting a report at the Security Council about the progress of the peace process, Ban said major disagreement has brought the peace process close to a standstill.

"There is a growing and worrying risk of the political discourse being dominated by extreme voices and the focus shifting away from the peaceful and democratic path," said Ban. ■

# Parties, Power and Pelf

— Dipak Gyawali

There is no easier method of quickly assessing the public mood than chatting up taxi drivers. Frustrated with queuing all night for fuel or detouring impromptu chukka jams, these hardworking proletariats fulminate with passion against party leaders that claim to speak for the poor even while indulging in rife nepotism. Noticing the smouldering remains of a burning tire, I once asked one what the protest was for. His sardonic reply: "Somebody's wife must have eloped!" One is also beginning to hear more frequently: "One *raja* was far better than hundreds of these thieving *rajas*". Even discounting for the fact that nostalgia always makes the past seem more pleasant than it really was, it still means that the present is nothing to be proud of, and the future as it beckons, disquieting.

This cynicism reflects how the public is increasingly frustrated with the misuse of the democratic right to public protest. If this mood persists, it will not take long, especially in the absence of political leaders with high moral stature, for it to give birth to an order-restoring messiah. There is a long list of historical precedents: Mrs Gandhi's dramatic comeback, despite her autocratic reputation from her emergency rule; Russia's Putin restoring *poriyadok* ('order' in Russian) after the loot of Yeltsin years; Ayub Khan's military-backed 'guided democracy' in Pakistan which ironically provided more democratic access to power for the Punjabi and Pathan majority than did the imported 'democratic' polity of rootless Mohajir immigrants from India after the 1947 Partition; and in Nepal, King Mahendra's indigenous, non-Westminster, Panchayati democracy that put an end to Democracy 1959's family nepotism, as proven by the support his move received from most of the top leaders of the Nepali Congress and the Communists.

Democracy by any other name — *prajatantra*, *lokatantra*, regular or *janaganatantra* — should smell as sweet; but why does ours reek of despair so soon? The answer has been history repeating itself as a farce, to understand which one has to go back to the genetic defect coded into Democracy 1990. The late Mukunda Regmi, who was part of the 1990 constitution drafting team, has made a seminal contribution with his monumental two-volume work, *Constitutional Development in Nepal*. He documents the fact that the original draft had provided for a fourth of

the upper house to be reserved for three women, three *dalits* and nine *janajatis* who were not represented in the elected lower house. However, in the promulgated version, the parties in power, Congress and UML, got rid of the seats for *dalits* and *janajatis*. They are now facing the backlash of ethnic identity politics, which is severely undermining their class- and mass-based polity. Similarly, the decentralized district and village governance provisions, key features of the Panchayati Constitution, were removed, making it possible to dismiss elected local governments on the whim of central leaders. It was this autocratic move of dissolving the Rolpa district assembly in the mid-1990s by the 'democratic' parties that fueled the Maoist rebellion. The distrust sown then continues in the current move towards ethnic federalism.

The most unforgivable crime that Regmi documents is the dropping of the draft's Article 120(2) in the promulgated version of 1990: it required all political parties to submit annual audited accounts to the election commission. Having freed themselves of all requirements of fiscal accountability, parties then practiced corruption with impunity. Their own cadres, having seen how their leaders graduated so quickly "from *chappals* to Pajeros", gave up voluntarism for a share of the loot. UML's Narayan Dhakal recounted in 1999 how, in the Kathmandu-1 constituency by-elections, he had to spend over a million rupees to ply his campaign 'volunteers' with beer and drumsticks among other things, even though the rules said a candidate was not to spend more than 137 thousand rupees. His estimate was that a party contesting all parliamentary seats would need well over a billion rupees, money that they could come by, or recoup, only from corruption while in power, and that too from large centralized projects.

Will this be corrected in the constitution being drafted by Democracy 2066? It is most unlikely. Another member of the 1990 constitution drafting team and a leading light of 'civil society', Daman Nath Dhungana, is reported (by Raajdhani of 28<sup>th</sup> December) claiming that there was a 13<sup>th</sup> point in the infamous 12-point Delhi agreement of November 2005, which was removed by the seven parties and Maoists. It said: "The parliamentary parties would reform and not allow the repetition of the mistakes of the past, while the Maoists would democratize

themselves." Since the signed version of the Delhi agreement has never been made public ("It is in Hindi," says Comrade Rohit of Bhaktapur), and no party has



d e n i e d Dhungana's statement, one has to assume that, in the "peace compromise" of 2005 (to use Saubhagya Shah's pithy formulation), the Maoists have no intention of giving up the politics of violence and the seven parties intend to practice corruption in office with glee as before.

In this, they will be helped by Nepal's partisan press and civil society intellectuals as well as much of the 'boutique left' donor community. A recent book by one leading light of the tribe argues that Girja Koirala cannot be called corrupt because he has done it only to raise money for his party. By corollary then, Maoist extortion and property capture too should be condoned, since it too is for the glorious party. The evidence on the ground, however, suggests that, during Democracy 1990 mainly under Koirala's watch, per household rural electrification cost was \$300 when it is currently being done by communities for \$99 and official water supply projects topped Rs 18000 instead of half that amount by village groups; Kali Gandaki saw 14 billion rupees shelled out for a 7 billion rupee contract, without any board approval; timber smuggling from the Tarai peaked during 1999 to 2002; and Arun-3 was designed to cost \$5300 per kW when Nepali private sector has subsequently built power plants in the same roadless valley for a meager fourth of that amount!

All this proves the point made by Oxford Don Paul Collier in his insightful book, *The Bottom Billion*, that democracy is more than just parties and elections. That is only how power is *achieved*. If *lokatantra* is to be different from the kleptocracy of the past, the new constitution must have structural checks and balances to assure Nepal's citizens that power is *used* with accountability. There is little sign of that happening, especially since the current dispensation mandated to write the constitution shows not an iota of such inclination. ■



PM Nepal (Right) with Indian Foreign Minister: Time for change

## NEIGHBOURS

# Changing Times

*As it gets into a belligerent mood Nepal's largest legitimate party invites the wrath of the country it banked on during its illegitimate years*

By SUSHIL SHARMA

**I**t was the Maoists' first meeting with the Indian political leadership after their exit from power about a year ago.

Having held parleys with the personnel of the intelligence and bureaucracy earlier, the Maoist had long wanted direct talks at the political level.

They wanted to mend fences with Delhi. In the hope of a return to the seat of power in Delhi.

With a view to negotiate from "a position of strength", an India-targeted agitation was in place

But the one-hour meeting with the visiting Indian external affairs minister

S.M.Krishna boom-ranged.

Krishna scolded Prachanda over "the anti-Indian" attacks and warned of negative impacts on bilateral relations.

An official statement from the Indian government quoted Krishna as expressing "deep disappointment" at the Maoist tirade against the southern neighbor.

He refused to entertain the Maoist request for "a fair deal" to the largest party of the constituent assembly.

A day later, in the eastern hill district, an angry Prachanda, oozed fire: "India is trying to derail the peace process in Nepal."

The next day, in the western hill district, Salyan, he went one step further and called for the return of the lands Nepal had ceded to the then East India company of the British empire more than two hundred years ago.

In Kathmandu, the Maoist lawmakers were back in their old business – disrupt the parliament. This time over a month-old remarks of the Indian army chief Deepak Kapoor against the integration of the Maoist combatants in the Nepali army.

Two days later, vice chairman Narayan Kaji Shrestha 'Prakash' took up the same issue and led a rally in front of the Indian embassy.

The protests were timed to coincide with the visit of General Kapoor.

Maoist cadres greeted Kapoor with black flags.

Even as Kapoor touched down at the Tribhuvan airport, the Nepalese defence minister, Bidya Bhandary, hastily called a press conference to echo Kapoor's purported remarks: "There can never be a bulk integration of the Maoist combatants in the Nepali army."

The signs are ominous for the Maoists who looked forward to the kind of goodwill they enjoyed down south in the insurgency days.

Having kept the "nationalism" issue under the carpet while in power a year ago, they have struggled to find domestic buyers of the fresh "national independence" struggle.

Outside, even tougher struggle awaits the former rebels as the influential southern neighbor gives them a cold shoulder and — even more.

In addition to the customary concern at terrorism, the joint statement issued at the end of external affairs minister Krishna's visit adds "extremism" as a common menace of Nepal and India.

Both have vowed "to cooperate closely" to end it without explaining what the newly added "extremism" means and to whom it is directed at, directly referring who the "exte."

But the message is loud and clear. As they say, sometimes, silence is even louder. ■

# “New Delhi Is Concerned About The Situation In Nepal”

-KV RAJAN

It has been nearly 10 years since he returned from Kathmandu and yet former Indian ambassador to Nepal, **KV RAJAN** is well updated with every recent political development in Nepal and the way New Delhi sees it. A retired diplomat and currently the president of Association of Indian diplomats, Rajan spoke to **NAVIN SINGH KHADKA** of the BBC Nepali Service just when Indian Foreign Minister SM Krishna was visiting Nepal last week. Excerpts:

**How do you think New Delhi is looking at Maoists' protests against India?**

I think New Delhi is concerned about the situation in Nepal as a whole because the real issue is not that the Maoists are resorting to their usual and fairly familiar tactics of ultra nationalistic protest which translates themselves into anti-Indianism. This is not the first time this kind of things has happened. It's very much reflection of the domestic political situation and power equations, ambitions and aspirations of different parties. So, India has been through this kind of things before. But the real concern is Nepal might at this rate very soon become a thoroughly ungovernable state because of combination of factors. The real issue is collapsing of the governance and the very serious economic crisis, the law and order situation, the culture of impunity, the explosions of ethnic demands and of course added to all this is the fact that Maoists are out of power and I think this seems to be their way of demanding their right to return to the government in their terms. It should be seen in this context. So, India's real concern is how there can be there be restoration of a situation that has some semblance of stability and how descent to chaos can be averted and the peace process can be saved.

**Even if India really wants that to happen in Nepal, don't you think what**

**Maoists are doing now is the biggest challenge for New Delhi then?**

I think they are expressing their frustration. Frankly, in Nepal people are yearning for peace and law and order and they want the politicians to come together and write the constitution which is why they were all elected. But this kind of agitation etc. etc. ... frankly it is only the people are suffering. One would hope that Maoists will realise that this sort of thing does not increase their credibility nor will it help them get any votes in the next elections because people of Nepal have been this before. And I remember in 1999 when there was the last general election in which every politician who had tried to win votes on nationalistic platform and India beating actually lost his seat, they were badly defeated. So, I don't there is much kind of a credibility in this kind of a thing but unfortunately this has all been Nepal's politics about.

**But India thought Maoists would be badly defeated in the Constituent Assembly elections, while they emerged as the largest party after the polls. India might be regretting for all its support to the Maoists during insurgency, no?**

I can't speak for the government of India. Whether one likes it or not, the Maoists will have to be the major stakeholders in the governance of the country because they have the mandate of sorts as the largest party in the Constituent Assembly. This problem is going in because the Maoists are out of the government. It is not necessary for them to be in the government; there is a high level political mechanism which has been created between the major parties and that gives them the opportunity to play a very important role in the governance of the country. So that is



also a possibility because I recall there have been times in Nepal's history when all the big leaders have been outside the government. The main thing is that the Maoists cannot be wished away and it is true that many people will regret their present tactics, which is really quite destructive in terms of the overall environment in which Nepal can progress. If there was a way in which without undermining the present government, the Maoists could be given their due and space in the governing of the country, in the writing of the constitution, then the situation can hopefully stabilise. But the situation cannot come about if they blow hot and cold. On one hand they talk about their commitment to the peace process and on the other they are carrying on this kind of agitation which is really aimed at undermining the present government rather than making any significant change as far as India's attitude to Nepal in concerned. So I think everyone understands that the reality is very different from the appearance.

**Whatever the case, it might be frustrating for New Delhi to see Maoists not behaving the way it would like them to, don't you think?**

India's policy at that time was that the Maoists could not be ignored and there were some hope that they would become moderate and responsible once they came into the mainstream. Unfortunately, even after they came to power as the head of the coalition government, the signals were very mixed about what the Maoists really intended to do, both in terms of their ideologies and their methods, it seemed there was no explicit departure from their past. The onus is on the Maoists, they are largely responsible for creating the situation that led to their exit from the government. Earlier it was a three way confrontation between the monarchy, the political party and the Maoists, then it became a two way confrontation between the Maoists and the political parties and now again a struggle for power is going on and the army is a player of sorts also in this whole game.

**You mentioned the army, the chief of the Indian army reportedly made a controversial remark about integration of the Maoists' former fighters into the national army. The Indian government**

**had to disassociate itself from the said statement of the Indian army chief. So, do you see there is some role of the Indian army as well?**

I am not 100 percent sure as to what did the army chief said because there was also a statement that he had been quoted out of context and so on. Again I am not speaking for the government, but my impression is that the government of India, the Indian army, the Nepal army and the large sections of the Nepalese government would want to ensure that the Nepal army does not lose its professional character. It has to be a professional and apolitical army, you will find Mr. Koirala (Girija Prasad Koirala) saying the same thing and Prime Minister Madhav Kumar Nepal saying the same thing.

**Some analysts believe that India and China have been discussing how can stability be brought in Nepal, they even believe that a broad agreement has been reached and that could lead to some kind of controlled democracy in Nepal. What do you say?**

I don't know what you mean by

controlled democracy but I think China also has an interest in a stable Nepal. I personally think that India and China should have a clearer understanding that stability in Nepal is important for the people of Nepal and for the whole region. I think the difference India and China may have over Nepal have probably lot to do with media reports and may be misperceptions etc. etc. I don't think there is any in-depth difference of approaches on what ideally should happen in Nepal. I think both countries want to ensure that its (Nepal's) peace process is saved and this drift towards a long anarchy really is halted.

**So you think there has been some kind of agreement between Indian and China.**

I would not know because I am not in the government but it would be surprising if India and China don't discuss Nepal when they discuss our neighbourhood. At the same time I am not sure if these discussions have reached any kind of depth or understanding on what needs to be done. ■

# प्रिमियर बचत योजना

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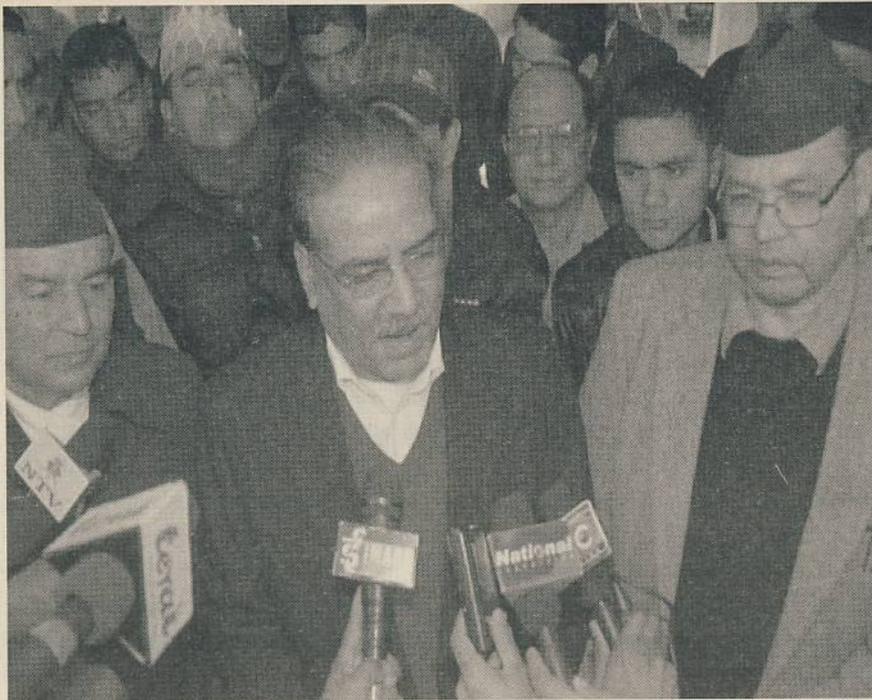
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**Top Leaders :** Divided we stand

## HIGH LEVEL MECHANISM

# Political Machinations

*Despite lofty goals the high-level political mechanism raises low expectations*

By SAROJ DAHAL

**I**t took almost two weeks for the high level political mechanism (HPLM) to meet after it came into being.

But it was a non-starter.

The Maoist boss Prachanda refused to commit to withdraw the agitation that includes an indefinite general shutdown.

Prime minister Madhav Kumar Nepal walked out of the meeting after failing to get a nod for a berth in the controversial body.

The meeting formed a task force to work out modalities and terms of reference.

That alone is less likely to set the ball rolling.

Deep mistrust remains. Senior leaders of all the three parties are skeptical.

Baburam Bhattarai of the UCPN

(Maoist), K.P.Oli of the UML and Ram Chandra Poudel of the Nepali Congress has become unlikely allies in questioning the rationale of the HPLM.

Said Oli, "this is not the high-level mechanism, but a mere top leaders' club."

The top leaders, Girija Prasad Koirala, Jhahnath Khanal and Pushpa Kamal Dahal 'Prachanda', incidentally, happen to share a common cause – oust prime minister Madhav Kumar Nepal.

They have not been able to convince others that they do not intend to use the mechanism to pursue their common cause.

Koirala's close aide, Krishna Prasad Sitaula defends the HPLM thus, "its purpose is to help make new constitution on time and lead the peace process to a logical conclusion".

But he has no answers to how can

that be achieved just because the top leaders of the three major parties have come together under an umbrella.

Sitaula is also clueless on why the prime minister could not fit in the body that is supposed to help the constitution-making and the peace process. It is the prime minister who, as the executive chief, is responsible to carry out the constitution and peace process job.

Expectedly, the prime minister is upset. Said his political advisor Raghu Pant, "the government is not obliged to take orders of HPLM".

A senior Maoist leader minces no words, "if the government ignored the HPLM's directives that will set stage for the government-change

According to analysts, the HPLM may not be ruled out altogether as irrelevant but what can not be ruled either is the divergent agenda of the three top leaders.

If Koirala may have sought to become a power centre as a compensation for his abortive dream of becoming the first president of the republic Nepal, Prachanda appears to be training his eyes on the prime minister's chair through Koirala's lenses. Khanal is probably hoping to be the dark horse in the race between Koirala and Prachanda.

Amidst the Doubting Thomasses, the HPLM may take some consolation in the words of support from a section of international community.

The EU and the UN have sounded optimistic, but the others notably the influential neighbor, India, is not as upbeat.

That is hardly good news for the HPLM.

If it sticks to its stated goal of helping make the constitution on time and lead the peace process to a success, few will question the rationale of the HPLM.

But if it focuses more on the third goal: "ending the political present deadlock" – meaning effectively the change of guards in Singh Durbar – it will be doomed.

Said a UML politburo member, "at the most, the HPLM will agree on extending the term of the CA."

That is far from a solution the country badly needs now. ■



**Gurkha Pensioner** : Right for fight

## GURKHA PENSION VERDICT

# Setback

*Gurkhas failed to be 'third-time lucky,' but insist that their fight will continue*

By **BHAGIRATH YOGI** in London

**A**ttired in smart suit and hats, some of them decorated with medals which they had earned during their service, dozens of Gurkha veterans arrived at the Royal Court of Justice at Aldwych, London in the afternoon of January 11. They were eagerly awaiting the verdict on the Gurkha pension appeal. They were demanding that the British government provide same pension and benefits to Gurkha soldiers who had retired prior to July 1997—when the Gurkha Brigade moved from its base in Hong Kong to UK.

Mr Justice Burnett, however, ruled that the UK Ministry of Defence's decision to apply a cut-off point did not represent discrimination. "Those who retired after 1997 with the qualifying

service have acquired right to live in the United Kingdom. The question is whether those changes have affected the reasoning of pension entitlements which accrued before 1 July 1997. In my judgment they do not," the Justice declared. He also ordered the plaintiffs to pay the legal costs.

British government insists that Gurkhas who retired on or after 1 July 1997 are able to access benefits under the Armed Forces Pension Scheme (AFPS). Those who retired before 1 July 1997, who were not included in the new pension arrangements, continue to benefit from the Gurkha Pension Scheme.

Welcoming the judgement, British ambassador to Nepal Dr Andrew Hall said, "I am pleased that the Court has once again confirmed that the Gurkha

Pension Scheme is both good and fair. Generations of Gurkhas have served the United Kingdom with courage, sacrifice and distinction and they continue to make a vital and valued contribution to operations around the World. We will continue to honour and reward their commitment under existing arrangements."

Gurkha veterans who moved the court were less enthused.

"The verdict has left many Gurkhas disillusioned and disappointed that the discrimination will continue against veterans who served in the British Army prior to July 1997 and a group of those retired post July 1997," said Major (Retd.) Tikendra Dal Dewan, chairman of the British Gurkha Welfare Society (BGWS) and one of the petitioners. "The BGWS legal team will be applying to the UK Court of Appeal for permission to appeal with a view to ultimately knock the doors of European Court of Human Rights," he added.

Justice Burnett, however, spoke of the "high regard" in which Gurkhas are held in Britain but ruled that the MoD decision did not breach the Human Rights Act.

Peter Carroll, a Liberal Democrat leader and an activist with Gurkha Justice Campaign said, "It is a great shame because there are terrible injustices in the pension system." "I don't think it signals the end but to win the Gurkhas have to come together and harness public opinion like they did in the citizenship campaign," he added.

After a high-profile campaign led by British actress Joanna Lumley, the British government announced in May last year that all ex-Gurkha soldiers who had served at least four years in the British Army will be allowed to settle in the UK. But the pension case did not draw similar support from the British media and public at large. Moreover, similar cases filed in 2003 and 2008 had been rejected by the British courts earlier.

With the latest setback, Gurkha veterans will have to sit back and evaluate their future strategies. Moreover, they will have to work out a 'common minimum programme' which is very much lacking at the moment. ■

## Int'l Conference on Constitution Making

# Lessons Galore

Even as an elected Constituent Assembly is working overtime to meet the deadline of promulgating Nepal's new constitution by May 2010, a bitter irony is that the key stakeholders appear the least bothered about the whole process. Despite harping on the need to have a new constitution, political parties have so far failed to forge consensus on major issues. Common people have no leisure and luxury to engage in the process while chasing their dreams for uninterrupted drinking water and electricity supply, toilets, schools for children, health posts nearby, jobs and local bodies to settle their petty issues. More than doing many other things, the recently concluded three-day international conference on Dynamics of Constitution Making in Nepal in Post-Conflict Scenario highlighted this particular paradox. Renowned constitutional experts, including 27 from abroad, noted Nepal experimented with six constitutions in a short period of just over five decades and writing the seventh was nobody's priority. Some participants went on to predict a premature death of Nepal's new constitution, even if it was promulgated by the deadline.

By KESHAB POUDEL

On the day when an international conference on the dynamics of constitution making kicked off, the tenth thematic committee of the Constituent Assembly, out of 11, presented its draft for discussion and inclusion in the new constitution. Like all others, this draft was full of notes of dissents. Points of

disagreements seem to overwhelm the points of agreement.

Although internationally renowned constitutional experts came to extend their support to Nepal's new constitution, local stakeholders appeared less committed to the whole process than expected.

Even at the conference, Nepali participants did not mind expressing their reservations and points of disagreement on the issues written in the drafts.

"Making value choices is not always easy. It is in the human nature to have differences in perceptions and attitudes.



**Conference On Constitution Making:** Sharing experiences

But we need to sort out differences and move ahead keeping the best interest of people who are deprived, downtrodden and marginalized in the mind," said Subhas Chandra Nembang, the Chairman of Constituent Assembly, while presenting his keynote speech.

Despite such exhortation, constitution making was becoming nobody's agenda. For political parties, which were united to oust the monarchy, their foremost priority now seems to gain or retain power rather than make the constitution. For an overwhelming majority of poor people, their priority remains drinking water, health posts, schools, employment and toilets. The new constitution has no meaning, even if it was promulgated, until their needs are addressed. At a time when no one is making effort to activate local bodies, which were dismissed five years ago, debates of unitary versus federal, presidential versus prime ministerial or

executive president versus parliamentary forms sound hollow.

This apathy towards making the constitution is understandable as writing a constitution is not new for Nepali people. In the last five decades, they have already drafted six constitutions and experimented with them. The popularly elected Constituent Assembly is working overtime on the seventh such constitution.

Vince Calderhead, country director of International Commission of Jurists, in his paper, mentions out of 29 million people in Nepal, 50 percent have no toilet and no safe drinking water. Just 1.6 million households have electricity, he notes.

Nepalese people also expressed their priority last year in responding to the questionnaires distributed by the Constituent Assembly. According to CA Secretariat, in filling out 200,000 questionnaires, less than 20 percent of

people expressed their concern over the forms of governance and state restructuring and an overwhelming majority demanded drinking water, health posts, school buildings and toilets.

#### **Priority on Constitution**

Despite apathy at the level of political parties and common people, the president and the prime minister and the CA chairman have expressed their commitment to promulgate the new constitution in the stipulated time, that is, by May 28, 2010.

"A new constitution is meant not only to establish Nepal as an inclusive, secular and federal state but also provide clear avenues for conflict transformation, restorative justice, reconciliation, development and efficient leadership," said President Dr. Ram Baran Yadav.

"We have already promulgated half a dozen constitutions under different

political dispensations within a period of six decades. One of the main reasons attributed for failures of most of our past constitutions is lack of ownership of the people," said Prime Minister Madhav Kumar Nepal, addressing the closing of the conference. "The government is committed to take the ongoing peace process to its positive and meaningful conclusion and draft a new constitution within the specified period of the next few months."

CA chairman Nembang said, "There is no doubt that the country is almost united in its pledge to resolve all existing problems related to caste, ethnicity, regional disparity and gender discrimination through the new constitution. I am certain that the new constitution will be promulgated in the stipulated time."

#### Life of Constitution

In this context, the question remains whether the new constitution, even if it was promulgated in May 2010, will last? Given Nepal's track record and expressions of the people, it is almost certain that the seventh constitution will face the fate of earlier ones.

The three-day International Conference on Dynamics of Constitution Making in Nepal in Post-Conflict Scenario, organized by Nepal Constitution Foundation, Supreme Court Bar Association and Law Faculty of Tribhuvan University, showed that political parties were not serious about writing the constitution. Leaders of groups, ranging from indigenous to marginalized and mainstream political parties, used voices of threat and disagreement rather than voices of compromise and agreement.

"This constitution will not be acceptable to us in case it failed to address the aspirations shown during the period of People's War. The new constitution must address the people's voice and it should be different than the previous six constitutions," said CPN-Maoist leader Dr. Baburam Bhattarai. "Other parties are trying to write the constitution ignoring the voices of a large segment of the society. In that case, the new constitution will be scrapped as all others in the past. It must be progressive and socialist."

## Nepal will have constitution any time soon

-WIKTOR OSIATYNSKI

Polish professor WIKTOR OSIATYNSKI is an internationally renowned constitutional lawyer. Currently, he is a visiting professor at the University of Siena, Italy. Osiatynski, who came to participate in an international conference in Kathmandu, spoke to New SPOTLIGHT on various issues:

**After sharing your experiences with Nepali participants, what do you say about the constitution making process in Nepal going on through the Constituent Assembly?**

I think it is a very difficult time. First of all, there does not seem to be a clear-cut political will to compromise in the exercise of constitution making. There should be either a political compromise or a political mechanism to go over to have agreements on basic issues. Secondly, this is general but a very important issue, that even if it was not spoken openly and will be never spoken openly, but what I find is, many big players are less interested in having a constitution than having a prolonged constitution making process in which they blame one another, that there is no constitution, which is also a political capital in democracy, because you can compromise with others and make your own point. I don't think they want constitution and they want to empower something that will take away their power.

**What is your experiences about the seminar?**

The proposition is rather they want a constitution or delegitimize the government by saying that they did not deliver on the constitutional promises

CPN-Maoist leader Dr. Bhattarai is not alone. Leaders of other ethnic and marginalized groups use similar language of threat. "The CA committees did not accept and recognize us. There is no question that we will accept this constitution. A centralized Pahadi mentality is working here. If the feelings and aspirations of Madheshi people did not materialize, we will throw the



to the people. On the other hand, I think incredible expectations, which are also visible in the proceedings so far, were there from the Constituent Assembly. If people expect everything from the Constituent Assembly, as if that was their human right. Every human rights, needs, wishes and problems should be given by constitution as a right. I think this is a problem. There is not enough clear-cut discipline in dealing with constitutional issue either in the discussions or draft of the constitution. In discussions, I find expression of many general and emotional ideas.

**What is the real issue?**

Here is the real issue in the constitution making process and they are like sister constitutions in Nepal which played extremely important role because they were substitute by revolutions or replaced by bloody violent process. I don't have any expectation that Nepal will have constitution any time soon. But perhaps this is largely a process for everyone that you should not discard.

constitution into a dustbin," said CA member Anil Kumar Jha. "We should be given the right to self determination and the right to choose our destiny. We will not accept anything that is less than one Madhesh and one Pradesh."

President Yadav, Prime Minister Nepal, CA Chair Nembang seem to hoping against hope that there are is suspicion than trust in the whole process.

## "Whether political leadership of Nepal is prepared to follow the principle of compromise"

Dr. GEORGE R. M. ANDERSON

Dr. GEORGE R. M. ANDERSON, president of Forum of Federation, is one of the prominent people who came to Nepal when the country is heading towards federalism. Dr. Anderson spoke to **NEW SPOTLIGHT** on various issues. Excerpts:

**As Nepal is at the final stage of writing a federal constitution, how difficult or easy will it be for the country to move from a unitary to federal structure?**

Well, it is extremely rich experience I personally gained, a great deal, from Nepali participants and other international experts and colleagues. I come to sense that there has been a great progress on some of the broader issues, particularly in the commitment in Nepal to building a federal constitution. I would like to know whether political leadership of Nepal is prepared to follow the principle of compromise, which is necessary to achieve the result by the deadline.

**How can your Forum support Nepal in the process of building the institutions for federal Nepal?**

We can continue to provide background information and other such issues. We have a great number of publications in Nepali language. We are available to provide the expertise. We have brought up a large number of experts in the last few years and we can continue to make ourselves available. I will be having discussions before I leave for other types of support for the coming months. Indeed, I hope that we can get it to the point where we can.

**How difficult is the transition from**

Even after the promulgation of the new constitution, it is still uncertain how long it will last. From federal structure to forms of governance of the state, judicial review to fundamental rights, there are differences on all the issues. Interestingly, Nepalese embraced the federal structure without knowing what it means for them and why they need it.

"There are challenges as well as opportunities in front of the constitution making process. What is most important is the political commitment to write as well as implement the new constitution of Nepal," said Dr. Bob Rae, former prime minister of Ontario and Member of Parliament of Canada.

**unitary to federal system going to be?**

We have seen a number of countries have successfully

moved from unitary to federal. The countries like Belgium and Spain have done it very smoothly and Italy is heading towards it. However, what is required is political consensus at the time of moving to federalism. I would probably say that here are fewer consensuses than those countries I have been talking about. You have very particular problems as you don't start the process with the sense of identifying what the historic problems are. Lots of the issues in those countries were not which are going to be provinces and how the provinces are going to be empowered and kinds of responsibilities they do have.

**How do you see provinces?**

Even if you have created provinces, may be 15 or 16, you have a number of minorities because there is no any single group as majority. It is very hard to define those provinces having truly ethnic characters. May be one group is larger than the others but you will have always issues in dealing with the rights of all the population within those provinces. If you get in your mindset that this problem belongs to be particular groups even though the small majority within that province that is going to be very negative way to go.

The present state of Nepal is a natural product as nobody fought elections for constitution making but all the parties asked vote for drinking water, toilets, economic prosperity, schools, electricity and roads.

**Disputes on Minor Issues**

Major irritants on fundamental issues are understandable but it is nothing more than non-seriousness of political leaders when they engage in minor issues like national symbol, national flag, and names of the provinces.

"Although parliamentary system failed to deliver things worldwide, our opposition friends in CA want to continue it. We want independent



judiciary under the control of legislature. What is wrong if the power to remove the judges is given to people's elected representative," said UCPN-M CA member Khim Lal Devkota.

The reports of ten thematic committees are full of differences of opinion. "There is the need to sort out differences on various issues presented in the thematic papers," said Dr. Horst Matthaeus of GTZ. "There is the need to have consensus and compromise rather than conflict and differences."

**Exercise of International Experts**

Keeping in mind the possibility to draw on international experiences and give international legitimacy to the constitution making process, Nepal Constitution Foundation, with support from the Supreme Court Bar Association and Law Faculty of Tribhuvan University, invited renowned constitutional experts from all over the world in the three-day workshop.

The international experts shared their views and opinions with the national experts, CA members and other stakeholders on various aspects of constitution making. Contradictions and disagreements among the country's major political forces and stakeholders widely surfaced in the workshop. Even International experts expressed reservation over whether the new constitution will be promulgated in time or not.

Experts came from more than 22 countries, from Africa, South Asia and Europe.

The conference was divided into various thematic areas. Chaired by UCPN-M leader Dr. Baburam Bhattarai, the first session discussed the theme of New Constitution and Forms of Government. Bob Rae from Canada, Justice Pekka Hallberg, president of the Supreme Administrative Court of Finland and professor Rohan Edrisinha from Sri Lanka presented their papers on forms of government, Constitution of Finland and prospects of the rule of law – implications for Nepal and Presidentialism: Lessons from Sri Lanka respectively. Professor Surya Subedi and CA member Dr Arju Deuba commented on the papers.

The same morning, CA member Dr.

## "I came to know a great deal about our close neighbor Nepal"

- Professor JIE CHENG

Professor JIE CHENG is one of the participants from People's Republic of China. Professor of Tsinghua University Law School, Beijing, and Jie presented her paper in the constitution making process in Nepal.

### How do you view the constitution making process in Nepal?

A Chinese proverb says that closer neighbors need to share more than what they know with each other. After taking part in the conference, I know now more complexities of Nepal than before. I came to know a great deal about our close neighbor Nepal where I was greeted by friendly people and beautiful Himalayas.

### Do you see the possibility of promulgating new constitution in time?

Nepal is expecting new constitution by April. You are experiencing all kinds of problems and challenges. I hope you will be able to produce a good constitution through the Constituent Assembly and it will make Nepal economically prosperous and stable.

### What do you see as the most important aspect of constitution making?

Making constitution is one thing and nurturing it is another. You can write a number of constitutions but you cannot sustain it if you don't have commitments and faith on the document. After knowing that Nepal has already formulated six constitutions in the last five decades, my suggestion will be



that creating a sustainable constitution that has the potential to continue the progressive reforms on the basis of certain values is important.

### What can Nepal learn from your country?

China is not the best model for constitution but we too have a long experience in dealing with various systems. You can pick up good things if you find them suitable.

### Which area have you covered in your paper presented at the conference?

I was asked to present the paper on Constitutional review in Nepal: Principles and compromises.

### What is your observation?

I find two contradictory views on the issues of judicial review. My opinion is that the right of judicial review should be given to the judiciary or the supreme court. Without a full authority of interpretation, the judicial authority may become a lame duck and will have to concede to parliamentary sovereignty as well as the chief executive in the sense. However, I don't want to impose our views but it is the people of Nepal to decide. ■

Ram Sharan Mahat chaired the session on Restructuring of State and federal framework. Dr. George R.M Anderson, president of Forum of Federation, presented his paper on a suitable federal framework for Nepal. Dr. Hashim Mohammed Tewfik of Ethiopia presented a paper on Ethnic Federalism and lessons from Ethiopia. Likewise,

Markus Heiniger of SDC presented the paper on Federalism as a means of Conflict Mitigation in Peace Process.

General Secretary of CA Manohar Bhattarai chaired the session on Institutions (Legislature and Constitutional Bodies. Professor Cheryl Saunders from Australia presented her paper on structure of the legislative and

## "Nepal and India share many things"

M.P. KULKARNI

Advocate

M.P.

KULKARNI is one of the well known participants of the conference. Having long experiences in dealing with constitutional issues in India, Kulkarni spoke to NEW SPOTLIGHT about his experiences in Nepal in constitution writing.

### How do you look at the constitution making process in Nepal?

I also told framers of the constitution to take lessons from India in constitution making. As Nepal and India share many things and there are many commonalities between us, Nepal has to learn from India where we have failed in the reservation of minorities, dalits and others. That was needed to take into considerations. In fact, in the entire process we are giving less importance to the common man's plight, improvement of his life conditions and dignity. It is not enough that we can incorporate in the provisions of the constitution and say that our constitution is democratic and will provide all fundamental rights.

### What we need to do?

Ultimately, we must ensure something in the constitution how everything is taken to a common man and how his life conditions and dignity of life are improved. There must be some mechanisms built in the



constitution itself to ensure that. If we hand over the implementation of the fundamental rights and directive principles to the political parties which come to power, then the danger of politicizing things is there and there is no transparency in that. After so many years of constitution in India, we still feel common men are still in that place where they were years back. What I feel is that they should be given importance along with other aspects like federalism, parliamentary system or court. They should be given more importance, that is what I feel.

### How can we learn more from the experiences of India in three months left for constitution making?

What I feel is considering your own problems and in similar situation what we have done in India and in what respect, we have achieved the object to some extent, wherever we have failed, those things must be taken consideration. We started good policies regarding the reservation but making it a political issue, we are in some way failing in the reservation policy. ■

executive branches, professor Thio-Liann presented a paper on Designing a Legislative Body, Representation and Accountability Issue.

Similarly, Dr. Alexander Wagener of Germany presented a paper on sharing revenues in federal system, Kumar Suresh of India on Constitutional Foundation for Local Self Governance

## “MIREST Nepal has been a fore runner in public communication outreach activities”

**SURESH ACHARYA**, president of Media Initiative For Rights, Equity and Social Transformation-Nepal (MIREST-Nepal), is actively involve in the recently concluded international conference on Constitution making. Acharya spoke to **NEW SPOTLIGHT** on various issues. Excerpts:

**As your organization has been involved in the Constitution Making process from a long time, how do you see the recently concluded international conference on dynamics of constitution making?**

MIREST Nepal has been a fore runner in public communication outreach activities. Thus, it was happy to hear the message of the conference, emphasizing on participatory constitution making process. MIREST Nepal had been an active member of the organizing team; so it could contribute towards the managerial aspects of the conference more than that on content aspects. MIREST Nepal could have provided more insight regarding the conditions of the people in remote areas with regards to their participation in the constitution making process. Our participation in the conference has helped us to network with international and national experts and groups.

**Have you supported the conference? In what ways were you**

involved in Federal Polity and professor Nicole Toperwien from Switzerland presented a paper on sharing power in Federations: Options for Nepal. Dr. Biswamber Pyakurel, Dr. Dwarika Dhungel and advocate Purna Man Shakya commented on the papers.

On the next session on constitutional review/remedies, professor Steven Greer of United Kingdom presented his paper on Judicial Independence and Impartiality in Europe, Lessons for Nepal, professor from China Jie Cheng presented paper on Constitutional Review System in Nepal's draft Constitution and professor Purushottam Kulkarni from India presented his paper on aspects of social justice lesson from India.

Advocate and CA member Khim Lal Devkota, CA member Radheshyam Adhikari, advocate Sambhhu Thapa and senior advocate Badri Bahadur Karki also presented their papers. Dr. Horst Matthaeus and Dr. Sambhuram

involved?

With a vast experience in communication outreach activities regarding the constitution making process in the post conflict scenario, MIREST Nepal is one of few organizations that has a substantive exposure to multiple media-based participatory processes, especially dynamics of constitution making in Nepal. With experience in all 75 districts in interaction programs and surveys MIREST Nepal has been able to galvanize thousands of people, 110 CA delegates and more than 100 political leaders, academicians and Constitutional experts in the last 12 months in the areas of constitution building.

**What is your impression about the conference?**

I think the conference was demand driven as much as it was held in such a point of time when divergent views and interpretation of democracy, independent judiciary, framework of federalism and structure of the government were floated with little space for consensus. It was timely held, and could provide much needed support to the CA in writing the constitution. MIREST Nepal feels that it can contribute more when such conferences are held in the future. The linkages built by MIREST Nepal has been further strengthened by the international conference by way of linking the CA with constitutional

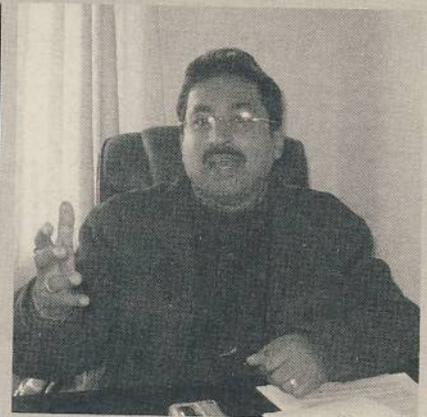
Simkhada wrapped up the session.

The last day's session began with the presentation by Yash Pal Ghai on Rights of Minorities and Indigenous People and Dr. Jill Cottrell presented the paper on Women's Rights Issues under the New Constitution.

Professor Dr. Om Gurung, CA member Binda Pande, civil society leader Durga Sob and Dr. Ram Krishna Timilsena commented. Professor Wang Zenmin, professor Jiunn-Rong Yeh and Ms. Menaka Guruswamy presented their papers on managing the transition and national interest and security.

Dr. John Pace, University of NSW, Dr. Larry Taman of International Project Manager, and UNDP on Implementation of Constitution in Post Conflict Scenario were in the theme of managing transition and challenge of implementation.

At a session chaired by CA member Dr. Prakash Chandra Lohani, Vincent Calderhead, Dr. Mario Gomez presented



experts within and outside the country. But, that's not enough, there should be more concerted efforts and weight-age given to participatory constitution making approach. Public participation is crucially important for public ownership of the new constitution.

**What lesson do you have learnt?**

The valuable lesson learnt from these programs is that local media gives a much needed platform for the people where they can speak about constitutional issues on participatory basis. Whereas, the national level media and civil society are still confined to capital-centric activities and coverage in regards to constitution making process and disseminating public voices and concerns ■

their papers on Enforcement of Socio Economic-Rights under the Draft Constitution and Comparative Experiences with regard to socio economic rights respectively.

Similarly, Professor Paul Flodman and professor Arinanto presented papers on Aspects of International Law in Devising a new Constitution and Transparency Institutions Under the New Constitution.

Minister for Constituent Assembly and Parliamentary Affairs Dr. Minendra Rijal, quoting Charles Dicken's Tales of Two cities, said, "It was the best of the time and it was the worst of the time ... Nepal may see any situation. Only question is how long the new constitution will survive or last even if it was promulgated?"

In the active tectonic plates of Eurasia, Nepal's constitutional process may have to face any kind of fate and any kind of quake at any time that can destroy the constitution. ■

# “Nepal has all the possibilities to build up the strong society strong with good fortune in the future”

- Dr. PEKKA HALLBERG

*Like Finland, she depends on international trade. We thus share the same concerns about the global economic crises. Our differences, again, are the much larger population of Nepal- 28 million compared to five million- as well as Nepal's Federal Structure and her multitude of cultures and ethnic groups.*

Dr. PEKKA HALLBERG, president of the Supreme Administrative Court of Finland, has a long experience of working in the judiciary in Finland. He has several books on topics like administrative appeal, extraordinary right of appeal, the local government act, human rights and fundamental rights to his credit. He has held the chair of government commissions on the Finnish constitution, fundamental rights, the Bank of Finland, competition legislation, cooperation between banks and insurance companies and the domestic languages. Hallberg, who recently came to Nepal to attend an international workshop on constitution making in Nepal, spoke to KESHAB POUDEL on various issues. Excerpts:

**Like Finland's geo-strategic location during the cold war between eastern and western powers, Nepal is located between two big Asian countries, India and China. How easy it is for Nepal to build a constitution to guarantee political stability?**

It is true that Nepal is in the Himalayas, between China and India and Nepal is one of the most open economies in the world. Like Finland, she depends on international trade. We thus share the same concerns about the global economic crises. Our differences, again, are the much larger population of Nepal- 28 million compared to five million- as well as Nepal's Federal Structure and her multitude of cultures and ethnic groups.

**What is your impression during this visit?**

It is a great honor indeed to visit beautiful Nepal, a country which for decades has had the most cordial of relations with Finland, the considerable distance notwithstanding. The bonds between Nepal and Finland are strong.

**How do you understand the constitution?**

The constitution is not merely an instrument governing state institutions. As a matter of fact, it is the very foundation of the society, the guarantee to public participation and fundamental rights. Indeed, we do have a lot to learn from you regarding the openness of the legislative process. In the process of globalization, international human rights obligations play an important role.

However, international human rights obligations are not a sufficient measure for fundamental rights. If there are financial and realistic possibilities, further steps should be taken to safeguard everyone's rights and obligations.

**What similarities do Nepal and Finland share?**

There are, after all, many significant similarities between our two countries. Finland gained her independence and constructed her democratic constitution between the East and the West and as the small neighbor of a very large country.

**How many constitutions has Finland experimented with?**

The current Finnish Constitution of the year 2000 is the internationally modern constitution of a democratic and parliamentary welfare state. As a whole, it functions quite well. Upon independence, Finland enacted her first own mixed constitution which entered into force in 1919.

**How long did the debate take to change the constitution in Finland?**

After three decades of constitutional debate and many small reforms and preparatory works, the parliament passed the new Constitution in 1999 practically unanimously. The count in the final vote was 175 against 2. The great shift of political culture in Finland was evident in the fact that the opposing party ideologies did not collide in the course of this process.

**What is important for the implementation of the constitution?**

The principle that the law is binding not only on the people but also on the authorities, from the lowest to the highest, was emphasized towards the end of Finland's period of autonomy. During that time, the Finnish fought for their own constitution and their own legal order against external Russian interference. For over a century, between 1809 and 1917, Finland was an autonomous Grand Duchy in the Russian Empire. As a whole, it functions quite well. My view is that it is very important that Nepalese prepare their own constitution with great part of openness and participation in these proceedings



is very good. It is some sort of legitimate constitution making process by the people.

**What is your observation about the discussions in the international conference?**

The conference is very well organized. There are many topics. I found the conference was very intense and useful where all the experts discussed various aspects of constitution including the forms of government, human rights, protection of fundamental rights, independence of judiciary, rule of law, federal systems and others.

**We have been discussing various models of constitution and forms of government, parliamentary forms versus presidential and autonomy versus limitation of state. What do you suggest for Nepal?**

The most important thing is that the Nepalese themselves should find a complete functioning system. After the independence in 1917, Finland got the mixed model constitution two years after. It was like presidential and parliamentary. It functions quite well because it was quite flexible.

**How do you ensure the functioning of the parliamentary system?**

Now a days, it is quite clear in our country

and most of western countries that the parliamentary system gives more space for multi-cultural discussion and more participation and even it gives also more space to minority aspects. This kind of thing is very essential in Nepal. Separation of power is one of my best topics since I have written a number of books about the rule of law. The functional rule of law requires a quite clear system of separation of power so you would have a legislature proceeding, administration and judiciary.

**What is the role of the judiciary in your country?**

In our country, the court has a very strong role because all the citizens have general rights to appeal over the decision by the government. Judiciary is very strong in our country. What kind of model you choose any way, it is highly important to guarantee rights and duties of ordinary citizens. Constitution has not to be isolated from the daily life because constitution is basic law even for the whole society not only to take care of role of institutions.

**Recently, one of our committees has recommended that the judiciary should be under the legislature. How do you look at this?**

*The functional rule of law requires a quite clear system of separation of power so you would have a legislature proceeding, administration and judiciary.*



*That can be something I have seen how beautiful Nepal and how friendly your people are. You have all the possibilities to build up the society which is strong and is with good fortune in the future.*

I have criticized a little bit. If you want to guarantee the independence of the court, it is very important that they are only the courts which apply and interpret the laws and constitution. I don't recommend in our country and other country that parliament should control the judiciary. In Finland, the parliament has no role in appointing or dismissing judges. Nor has it the competence to give recommendations on how an act should be interpreted. Likewise, the parliament cannot intervene in court proceedings in a single case but can steer legal development by amending laws. If you really want to guarantee the independence of judiciary, you must not give any political control.

**Who exercises the judicial power?**

Judicial power is exercised by independent courts of law, with the Supreme Court and the Supreme Administrative Court as the highest instances.

**How do you look at the constitution making process in Nepal?**

After participating in the conference, I am quite certain that the main task of the Constituent Assembly, under the Interim Constitution of 2007 – that is, to formulate a new constitution by the Nepali people themselves, will be brought to a conclusion. I have great faith in the success of the Nepali process, aim as it does to reach the broadest possible inclusiveness in the various parts of the country.

**How are you managing the principle of separation of power in your country?**

Separation of power is the second cornerstone of rule of law. We have followed the western European theory of Montesquieu. The doctrine of separation of powers is usually associated with Montesquieu's writings and the

constitutional convention of Philadelphia. So that there will be separation of power, between the legislative, administrative and judicial power. Of course, they are not isolated from each other. Parliament decides on economic resources and judiciary is independent. It is highly objectionable to give power to legislature to control the judiciary.

**Despite all difficulties, Finland has been able to remain politically stable. Nepal has already changed six constitutions and we are making the seventh constitution just over 60 years. What do you suggest for economically poor Nepal?**

You are right that some sort of a bridge between the economic clout and constitutional stability is needed. I think that the basic is rule of law, especially the constitution which everyone trusts by using public power. This way the whole society is more assured and you can invest and get something. Even the World Bank in Kathmandu recorded that the social capital and rule of law and constitutional capital is one of the main things behind the economic clout and social welfare. I really hope all the success to your constitutional process. As I have seen here the discussions are so active and open. I have a very positive feeling that you can find a good solution for your constitution.

**Despite all difficulties during the cold war, your country emerged as an economically prosperous and independent country. What do you say for Nepal?**

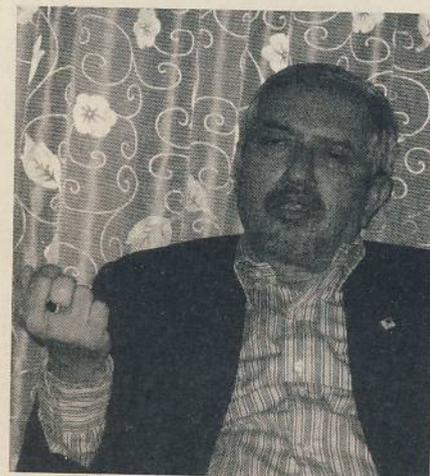
Well, as I said the social capital is the most important. It means trust others, trust what your neighbors do and you need to do what you promise. Then, one very important thing is to take care of the right of ordinary people, minority and poor people. You must respect rule of law. In Finland, we faced many problems in the history. We are quiet and small people, but one of the positive things about us is that we are brought up to be Finnish. That can be something I have seen how beautiful Nepal and how friendly your people are. You have all the possibilities to build up the society which is strong and is with good fortune in the future.

**What is needed for a good constitution?**

In any country, the basis of the system of government lies on its social structure and on the political experiences on the nation. The Nordic concepts of self-government and rule of law as an ideal form a historical basis that continues to have an influence even today. As a matter of fact, the roots of Finnish political organization can be traced back to prehistory and to the rising local communities, and the self governing villages. ■

# “Impossible tasks made possible”

DR. SURYADHUNGEL



Taiwan and Indonesia.

## How do you see Nepal's participation?

Joining from Nepal included prominent constitutional experts and practitioners including key political and civil society leaders including Senior Advocate Daman Nath Dhungana, President of the Bar Biswokant Mainali, Senior Advocates and Former Bar Presidents Radheshayam Adhikari and Shambhu Thapa, Dean of Law Faculty Dr. Amber Pant, Vice Chancellor of the University Mr. Madhab Sharma, Political leaders including Dr. Baburam Bhattarai, CP Mainali, Lalbabu Pandit, Dr. Ramsharan Mahat, Mohiddin Siddhiqui, Lalbabu Pandit, Khimlall Devkota, Dr. Prakash Chandra Lohani etc.

## How do you find support?

Minister of CA and Federal Affairs Dr. Minendra Rijal took special initiative on the sideline to enable Nepali CA members interact with selected international experts to share views about their impressions on the overall constitutional and peace building efforts. The proceedings to be published by the Nepal Constitution Foundation will be made available to all concerned soon. It was an impossible task that was made possible by the organizers within a timeframe of four months. The supporting organizations like FOSI, GTZ, IIDEA, SDC, UNDP, Finnish Embassy, FF, TAF, UNOHCHR, ASD, MIREST, Image Channel and above all Constituent Assembly and Government of Nepal deserve special thanks from making the event a success. Now is the challenge and opportunity for us to make best use of the conference products for drafting and refining the new Constitution. ■

After holding successfully, international conference on Constitution making, Dr. Surya Dhungel, convener of the conference, spoke to New Spotlight on various issues. Excerpts:

## How do you see the conference?

It was at the right moment, an assembly of more than 25 international constitutional experts of great prominence and equal number of national experts, together with participating Constituent Assembly members, political party representatives and civil society leaders from over 25 countries deliberated intensively for three days on various constitutional issues in Kathmandu between 15 and 17 January, 2010.

## What are the achievements?

The program was purely a national initiative and demand driven exercise organized by three national institutions in cooperation with international community. The immediate and visible outcomes of the international conference as stated in its five major objectives included:

- enrichment of preliminary constitutional texts and concept papers of the CA with scholarly comments and blended views of over 100 national and international experts and stakeholders, including CA members on both substantive procedural issues, such as presidential and parliamentary systems, government institutions, judiciary, restructuring of state and federalism, bill of rights, social inclusion, economic constitutionalism, civil-military relations, managing transition, and implementation related challenges;
- Development of immensely important resource materials of international standard focusing on Nepal and on issues undertaken by CA during the past twenty months. These materials well scrutinized and analysed are now available for CA members and other stakeholders for reference while CA engages in debates on the constitutional draft text at its plenary;
- Creation of an outstanding forum in Nepal where international experiences could be openly shared and immense international goodwill could be mustered and demonstrated for institutionalizing peace and democracy in Nepal. Solidarity of the international community to promote the cause of Nepal and the Nepali people was clearly expressed. Challenges of

managing change in transition through negotiations and resolving differences through dialogues, rather than conflicts, well deliberated and appreciated;

- opportunities made available for interactions of the selected experts with Nepalese stakeholders on the sideline to discuss and resolve specific issues of interest and concern;
- Avenues for continuing dialogue in future opened.

## What are the elements?

There were some invaluable achievements that the international conference on constitution making enabled the Nepalese to make. Some of them are: demonstrated capacity by the Nepali nationals and organizations to host such a big conference within a period of less than four months preparation; the open gesture of support extended by the Constituent Assembly and the Nepal Government was extraordinary, and was demonstrated through personal participation of President of Nepal, Prime Minister, CA Chairman and Vice-Chairperson, and key political leaders of major parties; maximum output with minimum of cost; and above all the demonstration of immense goodwill and support of international friends and top-level experts from over 25 countries. Presence of prominent constitutional experts from both neighbouring as well as SAARC countries like China, India and Sri Lanka, and their preparedness to support the peace and constitution building process was encouraging and great.

## How do you see participation?

In addition to prominent experts from neighbouring countries, internationally reputed luminaries like Bob Rae and Mr. George Anderson from Canada, Justice Pekka Hallberg (President of Supreme Administrative Court) from Finland, globally well known constitutional scholars like Professor Wiktor Osityanski from Poland, Professor Yash Pal Ghai and Professor Jill Cottrell from Kenya. Prominent scholars like Cheryl Sounders and Dr. John Pace from Australia, Dr. Alexander from Germany, Ms. Nicole Topperwien from Switzerland, Professor Paul Foldman from UK, Dr. Larry Taman from Canada, Professor Rohan Idrisinha and Dr. Mario Gomez from Sri Lanka etc. volunteered to travel and actively participated and could be named as reference.

First time contributing scholars from Asia Pacific region were from Singapore,

## EXCLUDING EXCLUSION IN NEPAL BY INCLUDING THE EXCLUDED: What is in the Interim Report of the National Inclusion Commission?

By: Dr. Krishna B Bhattachan<sup>1</sup>

In Nepal, the gate of the state is fully open for few, partially closed for some and fully closed for others. It is acknowledged by all that the gates should be fully open to all excluded communities, i.e. women, Dalits, Muslims, Madhesis, indigenous peoples, peoples living in Karnali and other remote regions, differently able people, third sex and so on. One of the mandates given by the People's Movement of 2006 was to restructure the state in an inclusive way. One of the significant questions is "How to do it?" To get the answers, the Nepal Government formed the National Inclusion Commission (NIC) on 2065 Magh 29. It is chaired by Narsingha Chaudhary with Mr. Kishori Saha as its member and Mr. Sharada Prasada Trital as its Member-Secretary. The Government has yet to appoint the remaining six members of the Commission. The term of the Commission was extended as it could not complete its work in its first term. The NIC collaborated with the Social Inclusion Research Fund (SIRF) of SNV to prepare its interim report. The SIRF formed an Expert Team coordinated by Dr. Krishna B. Bhattachan with Ms. Indu Tuladhar, Mr. Yam Bahadur Kisan, Mr. Tulanarayan Saha, Mr. Sambhusaran Kayastha, Mr. Mohan Das Mandhar, Ms. Mona Ansari, Dr. Saubhagya Shah, Mr. Saleem Ansari and Mr. Surendra Kumar Mahato as its members. The NIC and the Expert Team worked in close collaboration.

The study based on the available published and unpublished literature and the documents of movements of all excluded communities reveal that there are many commonalities and differences on what and how social inclusion of different excluded communities could and should be done. Also, there are some very distinct feature of social inclusion of each community and also controversial and contradictory or opposing needs and demands among different groups.

The commonality among women and the third sex, Dalits including Madhesi Dalits, Madhesis including OBCs ("Other Backward Castes"), Muslims, Indigenous Peoples, Peoples of Karnali and other remote regions, and Differently Able Persons ("Disables") are that they have been excluded in terms of access to and control over resources, and participation and representation at all levels of the Government. Hence, ensuring inclusion of all these excluded groups in the constitution, laws and bi-laws, rules and regulation, policies, plans, programs, projects and activities are their common issues. However, the main focus on specific field varies from one community to another. Indigenous peoples' special interest is on land, water and other natural resources; Dalits' focus is on education, citizenship, employment and public and private sectors. Muslims' focus is on religion, language, education, and employment. Women's focuses are on ending violence against women, substantive rights and rights to one's own body.

These could be done by applying multiple principles such as principle of equal concern and respect, of non-discrimination, of collective identity, of participation in public life, of proportional representation, of special protection, of state responsibility, of positive discrimination, of mandatory representation, of special protection, principle of compensation, of collective rights, and of self-determination.

The main recommendations made by the National Inclusion Commission in its interim report submitted to the Prime Minister include ensuring federalism, right to self-determination, ethnic, linguistic and regional autonomy & self rule, proportional representation, and reservation or affirmative action or positive discrimination or quota or special measure, and incorporation of all rights guaranteed by the international instruments of human rights are the most essential ingredients of social inclusion

of all excluded communities. Also, inclusion within inclusion, i.e. proportional representation and reservation within each community is also recommended as equally essential ingredient of social inclusion. The interim report points out that these are indeed common issues but, what and how should these be done in each community and within the community vary from one community to another. For example, women being historically excluded due to patriarchy need

**However, the main focus on specific field varies from one community to another. Indigenous peoples' special interest is on land, water and other natural resources; Dalits' focus is on education, citizenship, employment and public and private sectors. Muslims' focus is on religion, language, education, and employment.**

proportional participation and representation on the basis of population by sex, i.e. 50 percent to female and 50 percent to male. As women are not a homogenous community, proportionality based on caste, ethnicity, language, religion and region need to be ensured. Proportional representation based on caste and ethnic population is the main concerns of indigenous peoples, Dalits, Madhesis, OBCs, Muslims and people of Karnali and other remote regions. Proportional representation within proportional representation and reservation within reservation needs to be ensured.

The bottom line to address the issue of inclusion within inclusion, as recommended, is to give primacy to those community members who are lagging behind on selected indicators. For example, for reservation in education the Newars and the Thakalis among indigenous peoples and the Viswakarma and Damai among the Dalits, Brhamans,

Marwarais and Yadavs among the Madhesi should get no priority. Instead, endangered, highly marginalized and marginalized indigenous peoples among the indigenous peoples, Dom, Mushar, Halkhor, Badi, Gaine etc. among the Dalits, OBCs among the Madhesi should get the priority. It means the Government should make a list or matrix in education, political representation, employment, housing etc. by caste/ethnicity, language, religion, region, sex, class, and physical and mental (dis)ability and begin reaching out to those who are at the bottom. In cases where preferential approach is not feasible, remedial approach needs to be pursued. For example, allocating quota for education in MBBS or MD to Dom, Raute and so on with no one having education more than grade five is useless. Instead the government should use remedial measures to improve their education level and after sometime they would be able to use it in a meaningful way.

Other recommendations are: design and implement programs in a holistic way by going beyond the way as follows

While maintaining a core theme, program/projects, such as poverty, education, health, forest, and agriculture, needs to give further priority to Dalits, indigenous peoples and Madhesi women/girls and men/boys, and also internalize caste/ethnicity and gender as cross-cutting issues; and work with and implement some programs directly through the organizations of the concerned excluded community. Designing some special targeted or focused programs for improving livelihood and eliminating caste/ethnic, linguistic, religious, gender, regional and other forms of discriminations. It is also recommended to develop separate policies, strategies, guidelines on and monitoring indicators for on each excluded community; and also to develop affirmative action policies and time bound targets for inclusive representation of all excluded communities on priority basis at the decision making levels, and develop programs to enhance their qualifications. Providing detail about what is meant by a phrase "women,

Dalits and indigenous peoples are encouraged to apply" used in advertisements for vacant positions is also required to make inclusion more effective. Developing gender budgeting/auditing, Dalit budgeting/auditing, IPs budgeting/auditing, Madhesi budgeting/auditing, Muslim budgeting/auditing and Karnali budgeting/auditing and so on are also equally important. Formation of separate social inclusion advisory committee (SICA), and focal points for each excluded community at all levels of the state has also been recommended.

The Government has shown no commitment for social inclusion as it has yet to complete the team of National Inclusion Commission as there are 6 members yet to be appointed and adequate resources are yet to be provided to the Commission. Most of the Commission reports gather dust and it is not clear how will it be different?

*Dr. Bhattachan is the renowned Social Scientist of Nepal. This article is based on study*

## Youth Choose, Idiot!

One of the recent blockbusters in the Indian cine world was '3 idiots'. The movie, based on a novel by Chetan Bhagat, broke numerous records in Bollywood and came out as one of the highest money grossing movies of all time. Much of the credit for this success goes to youngsters, who made up the majority of its audience.

The main reason why the movie clicked among most of the youngsters was because of its genuine appeal. The movie rightly captures and reflects the sentiments of the youth, talking about how these youth are pressurized by their parents and the society and how their life gets affected when they have to succumb to their desires.

The movie has indeed been an eye-opener to many parents who impose strict orders on their children to pursue their careers according to their parents' desires.

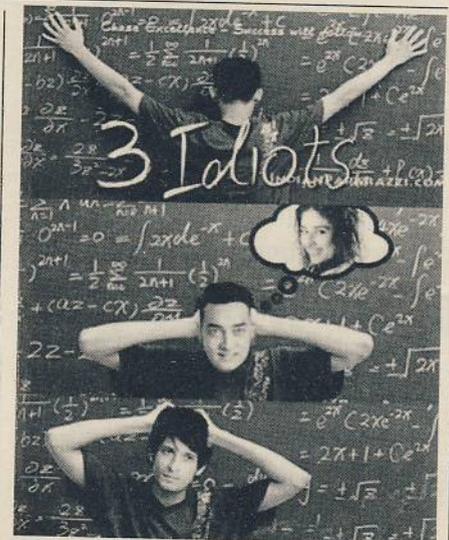
The movie fits exactly into our country's context.

We have constantly been talking

about building a new Nepal. A new Nepal is not possible without youth and their support. But the youth can only contribute well to the society and the country if they are given freedom, choice and responsibility. When their creativity is constrained and they are obliged to go against their own wishes, the youth will be unable to play their role in building a new Nepal.

Our society is a traditional one. Young people are not given enough opportunities and freedom they deserve. However, if a country or a society seeks contribution from the youth, they should be allowed to follow their dreams in which they possess aptitude and interest. Today's youth know what is best for them and the parents and societies can only guide them, not force them.

In the movie, an enthusiastic and a budding photographer is made to go into a different field where he not only fails to perform well, he also falls into a spiral of frustration. In real life, when



youth will fail to do well, the society itself will be impacted. [\* Internal error: Invalid file format. | In-line.WMF \*]

The movie should, indeed, act as an eye-opener not only to parents, but also to the policymakers. Along with freedom, youngsters should be provided with responsibilities. So, if the country seeks help from youth in building a better Nepal, henceforth, their dreams, aspirations and thoughts should always be respected.

By **ABIJIT SHARMA**



Rana (Centre): Fighting against deadly plant

CHANDA RANA

# Plant Fight Bearing Fruit

*Environmental activist Chanda Rana's lone fight against deadly plant Mikenia is bearing fruit*

By A CORRESPONDENT

**W**hen an environmental activist, the chairperson of Save the Environment Foundation (SEF), initiated a project against the deadly Mikenia plant in Chitwan National Park, only a few people thought that the wild weed was going to devastate the habitat of the world's endangered flora and fauna.

What Rana had predicted has come true. After releasing 'Mile a minute: A serious threat to Chitwan Nation park', a documentary made by Chanda Rana, there is a growing concern at all levels now that something must be done to protect the park. Even Prime Minister Madhav Kumar Nepal visited the areas and stressed the need to wipe it out. [\* Internal error: Invalid file format. | In-line.WMF \*]

The documentary served its purpose by attracting the collective effort to look for options to stop the invasion by Mikenia in the park.

By launching a weeding out campaign against Mikenia at Kasara,

Prime minister Nepal on 8th January 2010, demonstrated the government's concern about the situation. Environmental activist Chanda Rana was with the PM's team.

Prime Minister Nepal, along with ministers Dipak Bohara and Surendra Pandey and parliament members representing Natural Resources Committee, attended the "conservation camp" organized by the Ministry of Forests and Soil Conservation at Temple Tiger. USAID Representative, WWF representative and SEF members also participated in the camp.

Chief warden of Chitwan park informed the PM about conservation status and Dr. Shanta Gyawali of NTNC briefed him about Mikenia there.

The documentary made by Chanda Rana was screened before the PM the previous evening at Temple Tiger.

PM Nepal, and other participants took a sojourn of the park on elephant back, and saw how Mikenia infestation at Chitwan was threatening wildlife there.

Local people, teachers, students and

Nepal Army personnel took part in weeding out of Mikenia campaign initiated by the PM.

"The invasive plant is threatening the existence of flora, fauna and unique ecosystem of Chitwan," said Prime Minister Nepal to the media. "It is high time, without delay, all should participate in controlling or stopping the invasion of the wild weed."

Chitwan is not only listed as a world heritage site for its unique natural riches but also boasts to have been the hunting site during the visit by British King George V.

The PM urged all to contribute in a collective effort to eradicate the infestation and appreciated the contribution made by Chanda Rana by making the documentary.

The documentary is her lone approach to draw the attention at national level.

The documentary consists of all the efforts made by various individuals regarding Mikenia and views of experts.

The program was organized by the Ministry of Forest and Soil Conservation.

"I am delighted as initiative was taken by the PM along with Forest Minister Bohara to act promptly, even visiting sites, themselves and I am glad to accompany them to show the infestation and take part jointly for the Mikenia weeding program at Kasara," Rana told New Spotlight.

"I am hopeful as the 'need to act promptly' has reached even the top leadership level, to PM and concerned ministries. I am optimistic steps will be taken to stop the infestation, I am delighted as my purpose of making the documentary worked out. I will continue my effort and will contribute assisting the ministry of forest and others concerned on this issue to save the Chitwan national park from Mikenia infestation."

From planting trees to making Kathmandu green, Rana has initiated various works to protect the environment. Chitwan project showed that how crusades against the deadly plant finally seems to be materializing. Although her organization is small, what pays her is dedication and commitments to protect the nature. ■



## SOCIAL SERVICE

# The Deaf Hear

*The project aimed at promoting the culture of volunteerism*

By **ABIJIT SHARMA**

“I was really surprised to see the way the deaf community worked and was treated in the UK. My experience was so different,” a young deaf volunteer from Nepal recounts her experiences of Preston, the UK.

“It was really exciting,” says Gunjana Khadka, hearing with the help of an interpreter, “to witness and experience a different culture.”

Khadka and eight others with hearing problem, had been to UK on the Global Exchange Partnership Project, launched by the British Council in support of Volunteering Services Overseas (VSO).

The project aimed at promoting the culture of volunteerism by facilitating cultural exchange in which young people get an opportunity to live in different communities and volunteer in different fields.

Since 2004, the project has already organised more than 100 exchanges in nearly 20 countries.

Nine deaf youth from Nepal left for Preston in October 2009. They worked in a theatre there and produced and performed a couple of shows in various theatres in the UK, in collaboration with Deafway, an organization for deafs in the UK, and the British team.

Similarly, nine deaf youth from the UK arrived in Kathmandu in January 2010. They will be working and volunteering in different placements ranging from Disabled Associations to Mountaineering Associations and even handicrafts centres.

During the course of their visit they will be staying in local homes here in Kathmandu.

According to the Carolyn Denmark of Deafway, the Global Exchange has provided a platform to change the people’s views of looking at the deaf

community and it also gave a wonderful chance of learning new skills.

“We hope that the program will help in bringing deaf awareness in the hearing communities,” said Denmark, who is deaf herself, through an interpreter.

A happy British Council Nepal country manager, Paula Middleton, said, “The deaf community definitely brings diversity in a culture,” she said. “We are glad that the project has helped in the inter-cultural dialogue between the deaf communities of two different communities.” ■

## NEW SPOTLIGHT

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## Art

# In the Eye of the Storm

By PRADIPTI BHATTA

Considered to be one of the top artists of Nepal, Manuj Babu Mishra released a book compiled by Sangeeta Thapa at Siddhartha Art Gallery, Babar Mahal Revisited on January 8. This book is a collection of Mishra's art works and sketches dating back to 1960's. All his works are being exhibited at Siddhartha Art Gallery.

Among his works, the portrait of Mona Lisa in Nepali traditional avatar seemed to get most attention. It indeed is an amazing piece of art just like the rest of his paintings and sketches. All of the paintings and sketches exhibited have a deep meaning combined with a rare beauty. His art is different compared to the works of other artists in Nepal. Some of his paintings seemed satirical making them very interesting. His

different way portraying an image is what has made his art so unique.

All his works being exhibited are completely different from one another. The mediums which he has used range from watercolor to pencil drawings to oil on canvas. He has beautifully played with different mediums and created fine works of art. Apart from the portrait of Mona Lisa, his other interesting works are 'Frankenstein', 'Maiden of Rangamati', 'Flowers II', 'Stupa-Peace Chariot', 'My Wife' and 'Chhinnamasta'.

"When I heard about this exhibition I had to come as I had already heard a lot of praises about the artist. After seeing his work, I was amazed. His paintings are different and send out a special meaning. The one that I liked the

most was 'Monalisa, Ana and I.'" said Aastha Sharma an art student who had come to see the exhibit.

A man who has been awarded several national and international awards no doubt has put up a fabulous exhibit this time in Kathmandu. Although he has been out of the public eye for 19 years, this exhibition has certainly left a mark on all the art lovers of the valley.





# *Come together with San Miguel*

I need to be able to communicate and relate to my audience in a manner that keeps them entertained. For this I find that sincerity and commitment makes for a smooth working relationship with my audience. The same standards apply for me when it comes to real friendships too.

For me, **San Miguel** is the drink that best represents my ideals of friendship and fun – its a drink as smooth as my friendships!

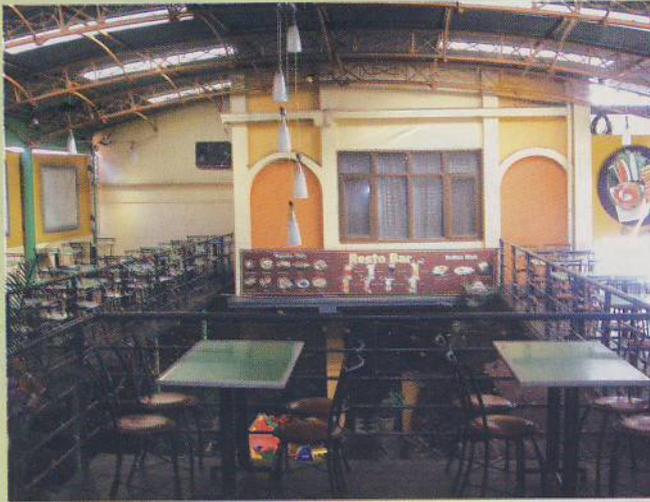
- Suraj Singh Thakuri  
TV Personality/Director

Ad Media: SMC/051009

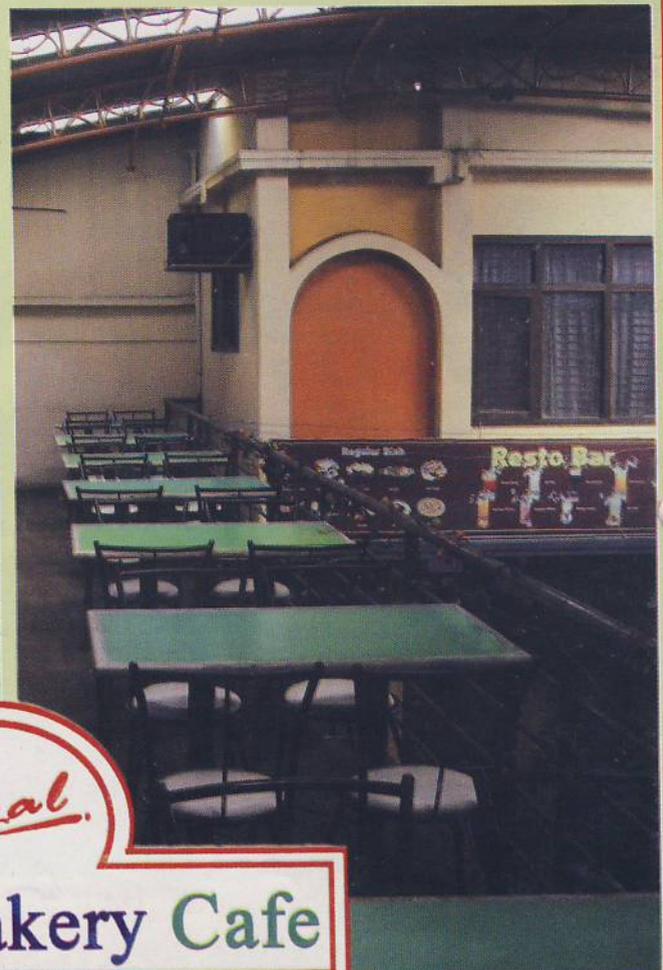


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