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KATHMANDU
NEPAL

The Prime Minister

Message

Nepal Council of World Affairs is a leading independent national center of excellence for research, training and extension capable of providing high level technical and advisory services relevant to enhancing international relations and socio-economic cooperation to the government and friendly development partners of Nepal. Its membership encompasses high level political leaders, policy makers, professionals and business leaders.

As a leading think tank of Nepal, I wish to see a greater role from the Council than in the past with a commitment to foreign policy deliberations and other key issues of global concerns.

I am happy to know that NCWA is going to celebrate its 68th anniversary on 18 February 2016. I would like to express my heartfelt greetings to all the members of the NCWA.

I am confident that NCWA will play a leading role in promoting understanding between Nepal and other friendly countries across the world in coming days.

K. P. Sharma Oli

17 February 2016



Government of Nepal

Deputy Prime Minister
and
Minister for Foreign Affairs

Ministry of Foreign Affairs
Singha Durbar
Kathmandu, Nepal

05 February 2016

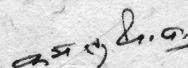
Message

It gives me a great pleasure to learn that Nepal Council of World Affairs (NCWA) is bringing out its Annual Journal, which covers various aspects and issues of national and international affairs to mark the sixty-eighth anniversary of the establishment of the Council.

On this special occasion, I would like to congratulate the Council for the successful completion of sixty-eight years of its journey. Throughout these years, the Council has made remarkable contribution in forming and developing of Nepal's foreign policy as well as in determining the foreign policy priorities of the Government of Nepal by organizing various programmes such as seminars, talk programmes, discussions from time to time on various pertinent issues of common concern. I would also like to congratulate all the distinguished team members of NCWA who have put their tremendous effort in developing Council into an academic as well as scholarly organization.

The journals of the Councils, such as this, feature valuable articles from scholars, professionals, diplomats and academicians and enlighten its readers about various facets of current world affairs and their implications to Nepal, and more importantly contribute to the knowledge in the field. It is also worth noting that the Council has enriched its outreach by establishing friendly and cooperative contacts with similar organization in various countries. I hope that the Council will pay more attention to research based activities and support the Government with adequate information and knowledge on current issues.

At a time when Nepal, following the promulgation of a fully democratic and inclusive constitution, has entered into a new era of economic prosperity and development, I am confident that the Council will play even more constructive roles in the days to come and continue to prove a trusted companion of the Government in determining its foreign policy priorities. I would like to express my sincere thanks to the Council for publishing such important and useful journal.


Kamal Thapa

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Defining Features of Nepal's Foreign Policy

*Rt.Hon'ble Sushil Koirala**

I feel honored to have the opportunity to address this distinguished gathering on the occasion of the 67th anniversary of Nepal Council of world Affairs. At the outset, I would like to extend my sincere congratulations to the President as well as Executive members on this happy occasion.

Over the years, the Council has proved to be a forum for fruitful discussions on a wide range of issues of national and international concerns with far reaching implications on the foreign policy of the country. I hope the rich traditions of the Council to have productive programs and initiatives will continue in the future. Nepal maintains goodwill, and friendship with all countries of the world. Its foreign policy is guided by the principles of the Panchasheel, the United Nations Charter, non-alignment, international law and the norms of world peace. Nepal strictly adheres to these principles, and reserves the right to judge every contemporary issue on its merit projecting independent international personality.

Nepal's foreign policy priority begins with its neighbours- India and China. We immensely value our relations with them. While our relations with the neighbours have been historic and time-tested, they also provide the solid foundation for future collaborations and partnership for mutual benefit.

Nepal-India relations are unique in character and scope, marked as they are by open border and deep rooted socio-cultural and many other similarities. The visit by Prime Minister of India to Nepal last year has created a new momentum in our multi-dimensional relations. The conclusion of Power Trade Agreement (PTA), and Power Development Agreements (PDAs) among others, demonstrates an upswing in mutually beneficial cooperation.

Similarly, the recent visit of the Chinese Foreign Minister, the forthcoming visit of our President to China to attend the Boao forum as well as the context of 60th anniversary of the establishment of diplomatic relations between Nepal and China offer greater scope for broadening our friendship. There are huge potentials in the partnership with our neighbours. We are committed to further widening and deepening the areas of cooperation for mutual benefit. We uphold our strong commitment to respect the sensitivities of our neighbours, we also have legitimate expectations for our own geopolitical sensitivities.

** Right Hon'ble Prime Minister Mr. Sushil Koirala Addressed the Council on the Occasion of 67th Anniversary on February 18, 2015.*

The geographical realities and a variety of indissoluble civilizational links in relations with our neighbours inspire our stable orientations and actions. We welcome India's neighbourhood policy and China's peripheral diplomacy that take neighbours as partners for peace, stability, and prosperity. We firmly believe that with mutual respect for each others' sensitivities, we can create a win-win cooperation and benefit from unprecedented economic transformation taking place in the neighborhood.

We are happy to note the tremendous fund of goodwill, understanding, and support from our friends and well-wishers in the international community towards Nepal and the Nepali people. Our relations with them have always been friendly and cooperative. They remain our important development partners not only in terms of traditional development aid but also important sources of FDI, tourism and technology. Common values of democracy, human rights, good governance, and peace bind us together. There are a host of issues on which we closely work in multilateral forums and processes. We sincerely thank them for their support including in the ongoing peace process and express our firm commitment to strengthening partnership for mutually beneficial cooperation ahead.

Nepal has abiding faith in the purposes and principles of the UN Charter. We underscore the centrality and indispensability of the United Nations in shaping the global agenda as well as in forging necessary collaboration for peace, stability, and development. We underscore the importance of timely and comprehensive reforms of the United Nations. Reform in the Security Council is overdue to better reflect the contemporary ground realities that considers for inclusive and democratic character and the growing capabilities of developing countries. Guided by the principles of tolerance and peaceful coexistence, Nepal remains a strong proponent of international law and has been making humble contributions for a just, rule based world order.

Nepal pursues general and complete disarmament. We firmly believe in cooperative security. Arms are no solution to any problem anywhere. We call upon the international community to release precious and scarce resources for much needed peace and development dividends.

Our role in peacekeeping operations is a symbol of our contributions to the unity of purpose in the maintenance of international peace and security in different parts of the world. We will continue our participation in this noble activity. Our security personnel are capable of fulfilling important leadership roles in peacekeeping missions in the fields and in the UN headquarters.

One of the defining features of our foreign policy is our strong engagement in the process of regional cooperation. We pursue regional cooperation under SAARC and BIMSTEC. As a chair of both, we are committed to make physical, institutional, and people-to-people connectivity as the cornerstones of regional cooperation. We believe that these regional organizations as an important reservoir of ideas, trade, connectivity, services and technology have strengths and potentials for upholding regional peace, stability, and security.

We believe that the 18th SAARC Summit held in Kathmandu has been successful in giving a fresh impetus to the regional cooperative process by focusing on deeper regional integration for peace and prosperity. The framework agreement on energy cooperation (electricity) signed during the Summit is expected to initiate a new phase in regional cooperation endeavours. We would also like to promote collaboration on energy and

connectivity issues under BIMSTEC. There is a huge potential to link SAARC and ASEAN through BIMSTEC initiatives for the shared benefit of the peoples in our regions.

In pursuance of our commitment towards protection and promotion of human rights, we remain constructively engaged with the United Nations human rights mechanisms and the international community. As a state party to about two dozens of international human rights instruments, our commitment to human rights is total and unflinching. We believe in universality, indivisibility, non-selectivity, and interdependence of all human rights, including the right to development. The international community must deal with all human rights evenhandedly and with equal priority. We are confident that the recent formation of the Commission on Investigation of Disappeared Persons as well as Truth and Reconciliation Commission are an important step in ensuring transitional justice as well as in addressing the gaps of conflict era cases of human rights violations and providing justice to conflict victims.

An overview of the world politics in current years reveals far-reaching developments in the geo-political, security, economic and social spheres in the region and the world at large. The world has grown more interdependent and interconnected. The benefits and burdens that they bring have conditioned the global environment, and altered the matrix of global peace and security.

The emergence of transnational challenges like climate change, terrorism, drugs, arms, and human trafficking has become the defining feature of contemporary international relations, which should not be viewed in isolation. They challenge human civility and erode the normative edifice of international system.

Nepal is deeply concerned with the rise of militant extremism and spread of religious fundamentalism. We condemn all forms and manifestations of terrorism. No terrorism from Peshawar to Paris can be justified on any grounds. They are just barbaric and affront to the conscience of civilized society. The rise of non-state actors like ISIS has posed a complex challenge to the world. They imperil peace, stability, and development of states and societies. We must demonstrate our honest and determined efforts to eliminate this scourge from the face of the earth.

Nepal actively pursues the agenda of the Least Developed Countries and the land-locked Developing Countries in various international forums. It was under Nepal's global coordinating role the Istanbul Program of Action 2011-2021 was negotiated and adopted by the Fourth UN Conference on LDCs in 2011. Nepal as coordinator of LDCs group in WTO played an important role in delivering results in Bali in 2013. We aim to graduate from the LDC status by 2022. We emphasize on the need for duly incorporating the concerns and needs of the most vulnerable groups of countries in the post-2015 development agenda.

Nepal has also been representing the LDCs on Climate Change negotiations. The disproportionate impacts of climate change have been quite detrimental to our development. As a mountainous country, our vulnerability to climate change has further worsened. We hope that a legally binding instrument will be agreed upon by the end of 2015 in Paris to address the issues of mitigation, adaptation, loss, and damage and means of implementation as well as transparency of action and support with special treatment for LDCs. For the economy of future, we call for climate justice as well as urgent and special programs on mountains.

Economic development of the country through partnerships and cooperation also forms an integral part of our diplomacy. Promotion of trade, investment, tourism, hydropower development, and foreign employment are the major components of our economic diplomacy. Besides bilateral cooperation and partnerships at the government level, we also promote partnerships between the government and the private sector. We are committed to improve investment friendly environment in the country through policy, governance, and institutional reforms.

The potentials of Nepal are boundless, and the drive and energy of our people matchless. There is, however, an utter darkness under the lamp. Despite being blessed with tremendous resources and potentials, the talented, dynamic, and most precious youth resource of this country, leave daily for foreign countries in thousands in search of job opportunities. We have a challenge to create enhanced economic opportunities to retain them at home and mobilize their talents and skills for national development.

We also recognize the scope and importance of the involvement of Non-resident Nepalese (NRNs) in the nation's development. Their knowledge, skills and resources can be mobilized for its overall development.

While pursuing political pluralism at home, Nepal works to promote multipolarity in international relations. We believe this approach is appropriate in addressing an array of challenges pertaining to poverty, disease, destitution, and deprivation at home and work for a rule based international order.

We are at a critical juncture in both our internal political evolution as well as adapting our foreign policy to a rapidly changing international environment. The emergence of Asia as the most dynamic region of the world based on the rise of our neighbors in global politics and economics has been the most remarkable feature of this transformation.

Nepal's interests intersect with interests of our neighbours on a daily basis in a variety of ways. Nepal's proximity to India and China presents it unprecedented opportunities for growth and prosperity. We cannot afford any delay to get to real work on identifying comparative strengths, complementarities and expanding commonalities for mutually beneficial cooperation. Nepal's location gives it an important role to facilitate connectivity in this dynamic region of the world and serve as a responsible partner in the comity of nations. Peace and stability thus becomes a vital ingredient for global peace, security, and prosperity.

After having made a historic transition from authoritarian monarchical rule to a Federal Democratic Republic in a peaceful manner, we remain engaged in institutionalizing democratic gains made over the years by the promulgation of a democratic constitution through Constituent Assembly and address the issues of identity, equality, and inclusiveness in a diverse country with hundreds of communities, dialects and cultures.

All political parties in the Constituent Assembly made a consensual pledge to give a democratic constitution within a year. The lack of trust, unity of purpose and consistency in positions has made the promulgation of constitution the first casualty extending to the rule of law, and progress in the country. I want to make it clear that delaying the promulgation of constitution any longer risks the derailment of democracy and denial of national progress.

Let us close our ranks, forge national unity, create consensus on issues of national importance including national security, and foreign policy. Yes, in every open and democratic society, there are legitimate differences of opinions. Our adherence to past peace agreements, and Interim Constitution and commitment to the implementation of their provisions create a common space to make an exit out of this unduly protracted political transition.

National unity based on democratic pluralism is indispensable. I am sure with national unity and reconciliation; we can meet any challenges and move forward to a peaceful, stable, democratic, and prosperous Nepal. It is also a fact that unless we are united as a nation, we cannot play an effective role in regional and global affairs.

I am a democrat. I believe in the power of dialogue, reconciliation, negotiation, and engagement. I also believe that this power works better when backed by trust, and confidence, and democratic institutions. Some eight years ago, we took off on a peace plane. Originally scheduled for two years, it has been lingering for eight years. It is time to prepare for a landing. I call upon my distinguished fellow leaders to tighten the belt and help make a safe landing to start the real work of the people and give them a decent life they deserve. We also look to enhanced support and understanding from our neighbours, friends, and well wishers in the process. Understanding and support at this time will be an invaluable investment for peace, stability, democracy and development in Nepal. It will also be a stabilizing factor for shared security and shared stability at large.

Tomorrow we celebrate the 65th Democracy Day. I would like to pay respectful homage to our martyrs. They gave their precious lives, so that posterity can live in freedom and peace. Fiercely proud of their independence, the people of Nepal have set the highest standards for dignity and self-respect through unwavering commitments to democracy and human rights. They have said NO to all forms of authoritarianism. They have firmly rejected violence as a means for political power. They have said NO to deception and duplicity and remained firmly committed to a democratic system of governance.

This is a testing time for the country and for all of us. I call upon fellow leaders to realize that we cannot run away from the democratic responsibility that people have entrusted to us. Let us be true to our commitment. Overtime, our inactions on domestic front to take the logical conclusion of the peace process and prolonged transition would accumulate heavy costs for posterity.

Let me conclude with what BP Koirala said in 1977 and I quote, "If Nepal has a future, if Nepal has a destiny, if Nepal has to prosper, if Nepal is not to remain only as a museum piece tucked away in the folds of Himalayas, then Nepal must be united as a nation. That unity can only be achieved through the development of democratic institutions in which the people have vested interests." Unquote.

Democracy needs perpetual nourishment from our democratic behaviour and democratic institutions. Let us show to the world that Nepalis do not merely make sacrifices for democracy, but also know and have ways to adopt and develop it. Our sanity of political culture earns respect to our national identity abroad.



नेपाल राष्ट्र बैंकको अनुरोध

- ❖ नोट हाम्रो सम्पत्ति हो । सफा नोट सभ्यताको प्रतीक हो । राम्रो र सुकिलो नोट चलाउन पाउँदा हामी प्रसन्न हुन्छौं । नोटलाई जतन गरेमा यसको आयु बढ्छ र मुलुकको ठूलो खर्च जोगिन्छ । नोटलाई जनत गर्नु हामी सबैको कर्तव्य हो । त्यसैले नोटलाई सबैले जतन गरी चलाऔं ।

नेटलाई जतन गर्नेबारे घरघरमा चर्चा गरौ ।

Safeguarding National Interest and Diplomatic Engagements

*Hon'ble Mahendra Bahadur Pandey**

First of all, I wish to congratulate you, Mr. President, and the Nepal Council of World Affairs family on the successful completion of 67 years. I also would like to express my sincere thanks to you all for inviting me to participate in this programme and speak a few words.

The Council has come a long way in terms of its contribution to the discourse of Nepal's foreign policy and international affairs. Its activities on promoting dialogue on the current national, regional and international issues have proved to be quite instrumental. Equally important is its focus towards enhancing cooperation with national and international organizations on the foreign policy front. I hope the Council will continue its constructive activities including through the critical domain of research and development. The Council has always provided a forum for major policy pronouncements on foreign policy and international affairs.

Since The Right Hon. Prime Minister will speak after me and outline Nepal's foreign policy at length, I will be very brief in my remarks. I will touch upon some of the issues facing Nepal's foreign policy objectives and diplomatic practices at present.

In today's extraordinary times, the very terrain of international relations and diplomacy is undergoing a major shift. The sphere of diplomacy has widened more than ever before. This is mainly due to the growth of novel and yet more complicated governance structures in human societies and consequently more complicated issues diplomats have had to negotiate.

Nepal's foreign policy and diplomatic practices have also evolved consistent with the trends of the time. Our international behavior is guided not only by our enlightened national interests but also by our strong international commitments. Safeguarding sovereignty, territorial integrity and political independence as well as enhancing country's international image constitute the core of our foreign policy. While we continue to work towards promoting our national interest, we have responded to various situations and global issues as an independent and non-aligned state. We will continue maintaining our strong commitment to the fundamental values of democracy, international peace, security and human rights as global common goods in the days to come.

* Hon'ble Mahendra Bahadur Pandey, Minister for Foreign Affairs, Addressed the Council on the Occasion of 67th Anniversary on February 18, 2015.

Nepal enjoys friendly and cooperative relations with neighbors and all other countries in the world based on goodwill, trust and understanding. Sovereign equality, non-interference in internal affairs, respect for each other's sensitivities and mutuality of benefits are what we consider essential ingredients of a healthy inter-state relationship. In today's interconnected and interdependent world, peace, stability and prosperity cannot be pursued in isolation and sustained them with individual efforts. Cooperation, collaboration and partnership with neighbours and development partners and friends are critical to ensuring a better and shared future for all.

The foundation of a sound diplomacy needs a foreign policy that is based on a national consensus. This needs a political culture which upholds values of tolerance and compromise underpinning effective democratic system. While promoting respect for pluralism and enabling the society to retain its multicultural character is important, heightened consciousness and greater understanding for consensus on foreign policy objectives is equally critical in this regard. The informed participation of civil society, media and all stakeholders in the country's economic and political life is fundamental to a vibrant, durable and effective execution of a foreign policy.

Furthermore, successful exercise of a country's diplomacy requires strong and enduring institutions, laws and procedures. A Foreign policy execution can be effective only through building institutions and strengthening them. It is due to this reason that we have laid utmost priorities on capacity building of the institutions that have important role in enhancing country's image and promoting and protecting national interest. Our efforts have been geared towards putting in place legal, institutional and administrative measures. A capable and dynamic foreign service is essential to achieve larger foreign policy objectives.

We are living in the much talked about 'Asian Century.' Nepal's geographic position between two rapidly growing neighbours, India and China, offers us a huge opportunity to get engaged in the economic drive of this century. Thinking innovatively on how best we can utilize this opportunity is the need of the hour. For this, we need to go beyond the mere rhetoric of 'being a bridge' between these two economies and act to translate our vision into reality.

The major thrust of today's diplomacy is the pursuit of economic agenda. For the least developed countries like Nepal, it is all the more important. Given that Nepal has been in the prolonged political transition already, there is a need to undertake socio-economic transformation of the country by promulgating a new democratic constitution at the earliest opportunity. What we need is an early conclusion of the peace process by making the constitution writing a conclusive process with a definitive timeframe based on broad understanding of all stakeholders involved following a democratic path.

However, achieving broad based economic growth is not going to be an easy task for us. We are in a geographically disadvantageous position because of our remoteness and lack of territorial access to sea. Our capacity to exploit trade-induced growth is constrained by the limited transit transport infrastructure and weak export bases. Our 'ease of doing business' is much lower than that of other developing countries. As both a landlocked and least developed country, Nepal faces, structural constraints, capacity gaps and pervasive and complex development challenges. Despite our efforts, we are still struggling to enhance industrialization and attract meaningful foreign investment. External support alone will not be sufficient. This also calls for creating enabling environment for business and investment at home.

This is not to say that the picture is really very bleak. Over the last 20 years, Nepal has made significant demographic gains in terms of poverty reduction, improvement of maternal and child health, increase of life expectancy and gender equality and women empowerment. We have made substantial progress in human and social development sector. The challenge now is to take off from there for the sustained economic growth and broad based social progress. It is true that we have a long way to go in terms of fully benefitting from globalization. The aspirations of our people have been delayed for quite some time already. The challenge for us is to ensure that they are not denied perennially.

In recent years we have laid a considerable focus on economic diplomacy. Our bilateral, regional, and multilateral engagements have been guided by the socio-economic development imperatives of the country. We believe that it is only the socio-economic transformation that can bring political stability in the country. There is an inter-link between peace and sustainable development. While development is not possible in the absence of peace, socio-economic development is a precondition for sustaining democracy and peace.

Our diplomatic engagements have widened over the passage of time. In addition to our efforts in enhancing bilateral cooperation with our friendly countries, we have contributed substantively to the regional, multilateral and global processes. Let me take the liberty of mentioning some of our diplomatic engagements in those processes. We are now an established troop contributor to UN's flagship peacekeeping operations for the maintenance of international peace and security. This has earned international recognition for our country and enhanced our dignity. On development agenda, we have championed the LDCs cause including as the chair of the LDCs Coordinating Bureau for three years starting from 2009. We led the LDCs Group in trade negotiations in the lead up to WTO Bali Conference. Nepal has been playing an active role as an ECOSOC member in different periods. Consistent with global commitment, we have already announced our objective to graduate from LDC status by 2022. This is a desirable yet challenging goal we have set for ourselves. And, we contributed as a member from Asia and the Pacific to the proposal submitted by the Open Working Group on Sustainable Development Goals (SDGs). The declaration of the 18th SAARC Summit issued under Nepal's chairmanship offers a hope for a meaningful and deepening regional integration in South Asia for peace and prosperity.

Before I conclude, let me quote William Blake, a great poet of the late 18th century, who said 'Great things are done when men and mountains meet'. Ours is a country where men and mountains 'interact' everyday. We live amidst the abundance of natural resources. But, the real 'greatness' of progress and prosperity is yet to be realized. Our achievements are small and our challenges big. However, we must believe that there are ways to face those challenges. It is just that we need commitment and dedication to work together for the common good.

Strengthening foreign policy to safeguarding our national interest is our common goal. Fulfillment of common goal requires collective efforts. Individual acts may be inadequate in this regard. We need collective efforts to effectively address the challenges and to achieve desired foreign policy goals. I believe the constructive engagements of the institutions like Nepal Council of World Affairs will make meaningful contribution towards achieving desired outcome. Finally, I wish the Council all success in its future deliberations as well.



Safer Communities Through Resilient Infrastructure

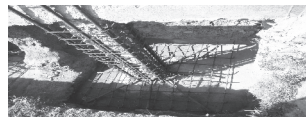
On the auspicious **Golden Jubilee of the establishment of diplomatic relation between Nepal and Canada**, Centre of Resilient Development (CoRD) wish Nepal-Canada Friendship & Cultural Association a grand success in publishing a memorable souvenir

Centre of Resilient Development (CoRD)

CoRD is a non-governmental and non-profit organization dedicated to developing the resilience against disasters by conducting studies, researches, implementing and advocating resilient development approaches with focus on disaster and climate resilient framework, sustainable livelihood development framework, environmental management and green technologies.

Activities

- ✍ Emergency response and preparedness and awareness on DRR
- ✍ Vulnerability Assessment of Infrastructure
- ✍ Retrofitting Design and Technique
- ✍ Green Construction Technique
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- ✍ Preparation of Retrofitting Guidelines
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- ✍ Training on Disaster Risk Reduction
- ✍ Development of Guideline, Handbook, IEC material etc.



Column Jacketing and Foundation Retrofitting



Beam Jacketing

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Ensuring Ownership of the New Constitution

*Prof. Dr. Mohan P Lohani**

The new constitution of Nepal was promulgated by an overwhelming majority of members of the Constituent Assembly-II on September 20, 2015. It set at naught the prolonged uncertainty when the first CA which was supposed to adopt a new constitution within 2 years of its election failed to do so even after 4 years and was unceremoniously dissolved in May 2012. The promulgation of a new constitution, while it was welcomed as a positive outcome of the constitution making process within a democratic framework in exercise of the sovereign right of the people vested in Parliament, was rejected outright and disowned by some disgruntled elements, particularly the Tarai-centric Madhesi parties. The latter had, in fact, launched their agitation in several districts of Tarai-Madhes adjacent to the Indian border, such as Birgunj, Janakpur, Rautahat, Siraha, Saptari and Mahottari one month before the promulgation of the new constitution, complaining of continued discrimination and lack of 'inclusiveness' in the new constitution.

It was too late when India sought to intervene and postpone the promulgation of the constitution. The Constituent Assembly had already initiated the process of clinching the deal for adoption by consensus of a document of historic significance known as the Law of the Land. Mr. Jaya Shanker, Indian foreign secretary, came on a whirlwind visit to Kathmandu on September 19 one day before the promulgation as Indian PM Modi's special envoy and called on all political leaders of major parties to consider postponing the promulgation at least for 2 to 3 weeks so that Madhesi demands could be addressed making it possible for all segments of the population to 'own' the constitution and help facilitate its implementation.

As stated earlier, Nepali leaders who had already made up their mind did not and could not comply with Indian request, with the result that Nepal became a victim of unexpected blockade, described as 'undeclared', imposed by India which told the international community that it had no role in engineering and imposing the blockade resulting from Madhesi agitation. At the time of writing this article, the blockade has gone on for 3 months and a half, barring sporadic entry of a few hundred trucks carrying POL products and other essential supplies from other transit points except Birgunj from where more than 70% of goods flow in from across the border every day.

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It is quite obvious that the blockade which has hit hard all Nepalis, particularly common people, is linked to the Madhesi agitation supported by our southern neighbor. Nepal's foreign minister has visited India twice and sought Indian cooperation in lifting the blockade. Minister Thapa was told by his Indian counterpart that the blockade will be lifted as soon as amendment is made to the constitution to address the Madhesi demands. The Amendment Bill has already been presented in Legislature-Parliament and it is hoped that it will be adopted enabling the Madhesi parties and their leaders to 'own' the constitution without reservation.

The ruling parties and Nepali Congress now in the opposition have taken the Amendment quite seriously, and convinced that the government and the opposition are equally serious and sincere, the Madhesi team known as UDMF(United Democratic Madhesi Front) has joined the 6-member Task Force, 3 each from the ruling parties and the UDMF, to sort out the disputed issues and meet the agitating Madhesi parties' demands to the satisfaction of all concerned. While the ruling parties and the opposition have indicated that Madhesi demands relating to such issues as constituency formation on the basis of population, proportional 'inclusive' representation in all state organs and bodies and citizenship could be met without hassles, the sticking point is provincial delineation. UDMF leaders are not prepared to accept the Amendment without incorporating delineation as a package. They are not enthusiastic about a political committee which is expected to deal with delineation in 3 months' time. Nevertheless, UDMF has shown some flexibility by allowing this committee to come up with a solution within a month.

Tarai-Madhes is an integral part of Nepal. All Madhesis born and brought up in this country are bonafide citizens and their loyalty to and love for the country cannot be questioned. The new constitution should, therefore, accommodate all segments of the population, including Madhesi community by meeting all their genuine demands and keeping intact the territorial integrity, sovereignty and independence of the country. Likewise, no pains should be spared to mend fences with India, our closest neighbor whose friendship and cooperation Nepal has always valued highly. It is in our long term interest not to allow temporary setback and irritants to wreck the traditional friendship and cooperative relations so happily existing not only at official level but also at people-to- people level.



Critical Views on Current Political Issues of Nepal

*Soorya Lal Amatya**

Nepal was at a stage of entering into graded status of developing country by the year 2022. But the country has suffered due to a number of reasons and gradation has been postponed for quite a long time. Firstly, the country had to suffer considerably from the violent political conflict for one and half decades. Secondly, it took eight years for drafting Federal and Democratic Republican Constitution. Thirdly, there was devastating damages of the earthquake of April 25 and aftershock of May 12, 2015 to the infrastructures, old monuments, Schools, health services and buildings. The earthquakes killed about 8,500 people and affected to almost 8 million people in 31 districts. Fourthly, since the promulgation of the constitution, the United Madeshi Front initiated violent agitation and later unofficial blockading of the transit and trade have resulted into very painful situation and there has been unimaginable economic loss to the country.

The current madeshi agitation and subsequent unofficial blockading by India has led to a situation of serious challenges to the country. The writer firmly believes that challenges not only create serious problems but it also provides opportunities to overcome problems and open new avenues for the development of the country. It is in this context that the writer intends to present his critical views.

With a series of serious discussion among the leading political parties of Nepali Congress, CPN (UML), United CPN Maoist and Madeshi Janaadhikar Form Democratic Party signed on sixteen point agreement. These parties agreed to go ahead in promulgating the constitution. But ultimately M.J.F.D.party decided to back track from the agreement. Immediately the constitution was promulgated with overwhelming majority of the constitution assembly members. When we critically review the drafting of the constitution of Nepal, initially conflicts were based on a number provincial units, electoral system, legal structure and forms of governance. There were broad agreements on legal structure, electoral system and forms of governance. Later, the discussions have been focused mainly on the following issues of concern. The discussions have been focused on a number of provincial units and delimitation of the provincial units. The sixteen point agreement has specifically mentioned

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of eight provincial units and the boundary of these units will be decided on the basis of recommendations of federal commission in near future. Later three major parties decided to go for six provincial units with specified boundary. However, ultimately the three major parties decided for seven provincial units with specified boundary and incorporated in the constitution of Nepal.

Just on the eve of promulgation of the constitution, India invited the leaders of the three major parties to New Dehli and conveyed them the issues of Indian concern. The Indian foreign secretary, Mr. S. Jaya Shanker paid a short visit to Kathmandu to convey India's concern to the leaders of Nepalese political leaders. Although seven points of India's concern have been well circulated in most the national daily media, it is believed that India had requested to the leaders to reconsider regarding the status of the religion in the constitution of Nepal and to promulgate the constitution after the completion of Bihar state election. But the leaders of three major parties went ahead and promulgated the constitution with the overwhelming majority of the constitution assembly. The Indian establishment indirectly supported the Joint madeshi agitation by unofficial blockading of the transit and trade along the southern border. This has created unimaginable havoc in the supply of petroleum products, cooking gas, medicines and other commercial products.

With a view to overcoming these problems, the Government of Nepal requested China for the supply of petroleum products. China immediately supplied substantial quantity of petroleum products as grants to meet the urgent needs of the country and efforts were made to manage the regular supply of petroleum products. There have been some problems of taxation and difficult terrains along the two routes of Kodari-Tatopani and Rasuwa-Kerong.

We should consider the present painful situation as a challenge and look forward for the opportunities. There are a number of alternatives in this context. Firstly, as proposed by the government and the opposition party of N.C. is to form a parliamentary federal commission for settlement of disputed provincial boundaries. Secondly, if the political deadlock continues we should be ready to go for referendum on the issues of provincial boundaries and religion. Let the people decide on these issues. Thirdly, we did not had the election of the local self governing bodies for more than fifteen years. As committed by almost all the parties, the election of the local self governing bodies be organized within six month time. The political parties can contest the election on the basis of the major issues of federalism, religion, proportional representation, citizenship and other disputed aspects. We have now 75 districts, 1 metropolitan city of Kathmandu, 12 sub-metropolitan cities, 204 municipalities and 3157 Village Development Committees. The local body elections will definitely indicate the general wishes and preferences of the people regarding on the major contentious issues of the constitution.

Fourthly, the government should make a permanent trade and transit agreement with China. As already committed by the government, Nepal should import one-third of our requirement of petroleum products from China on regular basis. For facilitating our trade with China, the roads to Tatopani-Kodari, Rasuwa-Kerong and Mustang-Koral be widened, metalled and well maintained on the priority basis. The other high passes of Kimathanka, Olanchungola, Tinker, Urai, Changala, Nanpa and others be kept opened for local trade of the Himalayan districts. Fifthly, priority be given in utilization of the available local resources with the view of reducing our over dependence on India for the supply of petroleum products, medicines and other products. Fifthly, if the blockade of transit and trade continues for a longer time, Nepal should be prepared to internationalize the issue.

Political and Economic Impasse and the Way Forward

*Dr. Rajendra B. Shrestha**

Main Features of the New Constitution

The New Constitution of Federal Republic of Nepal has been promulgated after almost 7 years of rigorous exercise at the Constituent Assembly (CA Ist and IInd). This is a historical achievement for the people of Nepal, which came true after almost seven decades in waiting.

It is prepared in a very democratic, participatory and inclusive manner. It is approved by more than 90 percent of the people's representative in the CA. It is owned by people at large and is geared towards nation building by preserving national sovereignty, independence, territorial integrity and prosperity for all.

The constitution seems very flexible, dynamic and has provisions for amendments for future improvements. Yet some political leaders claiming to represent (when in fact they represent only about eleven percent of the seats in the CA II) terai/madhes, marginalized and endogenous groups have spread fabricated, biased and misgiving information about the constitution implying it is discriminatory, none inclusive and not equitable to their people. Hence they cannot support the constitution and walked out of the CA process towards the last minutes of constitution making.

Since then they have coercively started agitations in border towns in Terai for the last five months that has resulted in more than 50 deaths and hundreds injured among innocent citizens, security personnel and the agitating cadres. The agitating groups sit-ins at the border transit points (which is against international law and practices) have completely restricted the flow of most essential life supplies including fuel, basic necessities, medicines into Nepal. This has adversely affected the life and living conditions of Nepalese at large, poor or rich, and young or old alike, to the point of becoming a humanitarian crisis. The most vulnerable are the children, old and women. Terai communities have been the hardest hit although the agitating leaders claim that they are doing this for their good.

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Impact of Economic Blockade and Agitation

The economy has incurred estimated loss of over NRs20 trillion. Most of the industries located in terai (some 2000 have either been closed or are operating at less than 20 percent) resulting in loss of employment to about 1.5 million. Shortage of essential supplies (fuel, gas, food, etc.) have become severe and the prices have risen 2-3 folds propelled by black marketeering.

Almost all sectors of the economy (industry, tourism, agriculture, education, health and other services) have been badly affected. Three million children have been denied access to educational opportunities.

Health services are severely affected lack of supply of basic medicine, equipment resulting in increased death and morbidity. Hardest hit are again old, poor, nourishing mothers and children. Reduced food and nutritional intake has increased mal-nourished children and women.

It is estimated that 1.5 million additional poor has resulted due to economic blockade of humanitarian proportion and the devastating earthquake of April. The social and economic situation has been severely affected and the economic growth is projected to be negative for the first time in many years.

What Went Wrong

By now it has become evidently clear that the notion that the Nepal's New Constitution is discriminatory, non-inclusive, not equitable, etc against terai/madesh people is somehow, for unknown reason, is being supported by the political leadership in India which may have been mis-guided by strategic political interest in Nepal's natural resources as well as to maintain its sphere of influence.

The undeclared trade and economic embargo (against international trade agreements and practices such as SAFTA, UN Convention, WTO, etc.) by India in the last four months is the result of this unfolding humanitarian crisis in Nepal, a historically closest and nearest neighbor. It defies the spirit of recently declared neighborhood first policy of India.

Although the Indian government is denying this action and solely putting the blame on Nepal government not being able to address the political issues of the agitating groups. This has seriously hampered the life supply system in Nepal and has reached the point of becoming a serious humanitarian crisis that may erupt as a major security concern in the region if not addressed in time. Indian government is justifying the blockade as the outcome of insecurity arising out of the conflict situation and Nepal government needs to settle the issues with the agitating parties before the embargo can be lifted.

The political issues being raised by the agitating groups is internal matters of Nepal and can be settled in due time according to the new constitutional provisions and should not be conditional in lifting the embargo.

The unjustifiable interference and high handedness from India in the internal matters of

sovereign Nepal is a clear violation of international norms, protocol, and human rights. This is gradually eroding a recently built more cordial and cooperative relation existing between the two nearest neighbors. This is not in the interest of either.

The foreign policies of India and Nepal towards each other are proving to be ineffective. The coercive diplomacy of India towards Nepal and Nepal's ineffective, and reactive diplomacy (at best) is resulting in this stalemate. Both sides need to be able to read in between the lines in diplomatic relations and respond appropriately that is mutually respectful and is based on ground realities of present time.

Way Forward

Both the governments need to be honest, tactful and improve the negotiation skills by involving track 1 and track 2 diplomacy to expedite amicable solutions to the problem. Involving track 2 diplomacy helps break the ice and thaw the ego issues if any for a safe landing.

Nepal government needs to be more effective and assertive in negotiations with the agitating parties through continuous and meaningful, honest and decisive dialogue. Involving Civil Society representatives and professionals with negotiation skills will help ease the situation.

The government should undertake programs to disseminate timely and accurate information about the constitutional provisions and their likely impact on affected people and convey this message to the international community appropriately.

The government should be prepared for future such human man-made (like economic blockade) as well as natural disaster (such as earthquake) through trade diversification of essential goods and services based on comparative/competitive advantages (in the medium to long term), efficient management and delivery of services of basic commodities through improved storage and supply that can last at least six months of demand (in the short to medium term), infrastructure development including hydro power and alternative energy management (in the medium to long term) and to mitigate adverse impact from such disaster.

Of late, some progress has been made towards these efforts but not substantive enough to end the crisis. If India is very worried that anti-India sentiment is spreading at people level, the first right solution would be to lift the embargo and ease the supply of basic necessities of the people in Nepal. This will create an environment of trust and beginning of normalcy in the relation. Then the pieces of the puzzle will start falling in right places in due course.

Lesson learnt for Nepal and to safeguard from such agonies in the future is to foster an environment for coming together of all political parties, government agencies, NGOs, Private sector in the nation building. Let us work towards national interest first and then other interests will follow suit.

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- यो सुविधा घर बनाउन, अपार्टमेन्ट तथा बंगला खरीद गर्न, घर मर्मत तथा तल्ला थप्न साथै रिफाईनान्सिङ्गका लागि समेत उपलब्ध हुनेछ ।
- अधिकतम २५ वर्ष सम्मको कर्जा भुक्तानी गर्ने समयवधी उपलब्ध ।

*धर्तरेर नाम हुने छैन ।

(थप जानकारीका लागि बैंकको निम्न शाखा कार्यालयहरूमा सम्पर्क राख्नुहुन अनुरोध गर्दछौं ।)

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Fukuyama's Prophecy and China's Democracy

*Dr. Shreedhar Gautam**

Francis Fukuyama made a prophecy after the end of cold war that “World history has reached its final destination with the end of communist empire in Soviet Union”. What he had in mind was that Western type democracy as understood in the form of elections and free market would be the ultimate solution of all riddles of human history. But now Fukuyama prophecy is proved to be mistaken. Fukuyama ignored the fact that exclusive democracy is challenged for long by a more democratic alternative in other parts of the world.

One of the thinkers of 20th century Acharya Rajnish, also known as Osho, on the other expressed the view that he would prefer the third world war rather than the destruction of the Soviet Union. He was worried that in the name of peace Gorbachov could go beyond the limits. He further said that death of the Soviet Union would be the death of all evolution, of all possibilities, of a world without boundaries, of a world without class, of a world richer in every sense of word, not only money but consciousness too; not only power but art and music and dance. He meant that if Gorbachev wanted peace in the world at the cost of communism, that peace was not worth of it. It is worth remembering that the same Osho had opposed Socialism and also denounced the leaders like Stalin and Mao. Before his death in 1991, Osho remarked that Soviet Union was hope for humanity. I have quoted these two thinkers to show their different perception about socialism. The present situation of the world does not match with the euphoria seen in the Western world and elsewhere after the collapse of the socialist system in Soviet Union. China's new leadership too seems to understand this reality, so it has rejected the western countries call to follow the west minister style democracy.

Chinese President Xi Jinping's emphasis is on realizing “China Dream” by strengthening socialism with Chinese Characteristics on the one hand and expanding bilateral and multilateral initiatives in the neighborhood and beyond with new and far reaching projects like Silk Road Economic Belt. China has succeeded in expanding its connectivity to majority of world countries through its economic policies. Its neighboring countries like South Korea, Japan, Pakistan, India, Indonesia, Mongolia, have taken positively China's initiative to establish Asian Investment Infrastructure Bank. While Bangladesh, India, Nepal and Sri Lanka have already joined the new bank, others are expected to join in future. This is a major development because AIIB is supposed to fund for Silk Road Infrastructure. China's adherence to the policy of non interference in the internal matter of other countries has been the major factor in receiving wider acceptance in the Silk Road project. Though Vietnam, Japan and Philippines have territorial dispute with China, they continue to expand their economic relationship. Chinese president has visited South Korea to create

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a climate of trust and understanding. China seems committed to the goal of building an affluent, strong, civilized and harmonious socialist modern country to fulfill the aspirations of Chinese people.

China's foreign policy has not been changed as its basic direction remains same. The description of foreign policy in the 2012 and 2014 government reports both followed the logic of "diplomacy with neighboring countries; diplomacy with developing countries; diplomacy with major powers; (and) multilateral diplomacy." This indicates certain continuity between the two administrations in foreign policy. In China, there is a saying that in foreign policy "the neighboring countries are of first importance and the major powers are the key". Prior to Premier Li's work report, there were some voices questioning this conventional wisdom. According to the explanation in Li's report, the basic principle of diplomacy will be continued. This indicates that in spite of the importance of relations with major powers and the urgent desire to develop that relationship, major power relations will not surpass the fundamental importance of diplomacy with neighboring countries.

The explanation of diplomacy with neighboring countries is different, and the government led by Li Keqiang has paid more attention in this respect. Wen's 2012 report, when referring to diplomacy with neighboring countries, said, "we will continue to deepen friendly relations with our neighbors; actively participate in cooperation mechanisms with them; deepen regional cooperation; and work with them in creating a regional environment of peace, stability, equality, mutual trust, cooperation and mutual benefit." The wording emphasized stability and peace. The 2014 government report elaborated on this concept pledging to "comprehensively promote diplomacy with neighboring countries, consolidate friendly relations with neighbors and develop mutually beneficial cooperation. We will safeguard the victory of the Second World War and the post-war international, and will not allow anyone to reverse the course of history." In fact, the wording of "comprehensively promote" echoed the high standard of the central committees' October 2013 "conference on diplomatic work with neighboring countries." Li's work report is an external reflection of the diplomatic guiding ideology of the central committee. It can be seen that diplomacy with neighboring countries will continue to prosper in the future.

China's revival of the Silk Road Economic Belt is the sign of growing national confidence born out of the economic prosperity gained over the last three decades. President Xi Jinping has been pledging to continue targeting the goal of "great renewal of the Chinese nation" ever since his coming to power in 2012. He has described the "The Road Towards Renewal" as a retrospective on the Chinese Nation, a celebration of its present and a declaration on its future. Citing a line from one of Mao Zedong's poems, "Idle boast the strong pass is a wall of iron," while visiting the National Museum of China on November 29, Xi said, the Chinese nation had suffered unusual hardship and sacrifice in the world's modern history.

Talking about China's today, President Xi borrowed another line from Mao's poems, "But man's world is mutable, seas become mulberry fields," referring to the country's hard-earned finding of a correct road toward rejuvenation and its remarkable achievements since the launch of reform and opening up. "It is the road of socialism with Chinese characteristics," he stressed.

Chinese continue to believe in their socialism with Chinese characteristics, not following the Western-style democracy as practiced in Europe and America. Parliamentary democracy successful in Britain may not be applicable in other countries. So, logic demands that countries should understand each other's history, culture, literature and other sensitive issues.

Right to Freedom and Communication Under the New Constitution

*Dr. Chandra Kanta Gyawali**

Introduction

With the advance of technology through time a much broader application has evolved involving the broadcast media, such as radio and television, and online computer information systems. At the time the Constitution was written, the term "press" referred to the printing of newspapers, books, and leaflets. Specific reference to press in the Constitution was an acknowledgment of the critical role the press played in early American society. Every citizen had a right to publish what sentiments they pleased before the public. Thus, press became steadily broadened until the 1990s when the concept of "publishing" itself became challenged by new online technologies.

Press Restraints: Throughout history the most severe restrictions placed on the press has occurred during times of social stress, particularly during wars. The first restrictions by Congress on the press were through based on English common law,¹ which prohibited malicious criticism of the government or government officials. Several editors were tried and convicted before the highly controversial law was allowed to expire in 1801. Several newspaper editors were convicted under the laws

In another of the sedition cases Justice Oliver Wendell Holmes established the "marketplace of ideas" metaphor which proved influential in supporting press freedoms throughout the twentieth century. As with speech, the government has restricted the press through both prior restraints and through punishment after publication. Prior restraints have taken the form of censorship, taxation, and licensing. Punishment has been applied to publisher's deliberately printing false and defamatory material about public and private individuals. Several aspects of press freedom were addressed by the courts since the World War I era sedition cases.

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¹ *Sedition Act , 1798.*

Right to Freedom the Supreme Court uniformly rejected freedom of the press claims. Importantly among these rulings was the finding in *First Amendment*² press protections applied to state laws as well as federal in the form of personal rights and liberties protected by the due process clause of the Fourteenth Amendment. ² Freedom of the press consists of constitutional or statutory protections pertaining to the media and published materials. With respect to governmental information, any government distinguishes which materials are public or protected from disclosure to the public based on classification of information as sensitive, classified or secret and being otherwise protected from disclosure due to relevance of the information to protecting the national interest. Many governments are also subject to sunshine laws or freedom of information legislation that are used to define the ambit of national interest.

Right to Freedom of Opinion and Expression The Universal Declaration of Human Rights states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference, and impart information and ideas through any media regardless of frontiers" The concept of freedom of speech is often covered by the same laws as freedom of the press, thereby giving equal treatment to spoken and published expression. Reporters without borders considers the number of journalists murdered, expelled or harassed, and the existence of a state monopoly on TV and radio, as well as the existence of censorship and self-censorship in the media, and the overall independence of media as well as the difficulties that foreign reporters may face.

The Committee to Protect Journalists (CPJ) uses the tools of journalism to help journalists by tracking press freedom issues through independent research, fact-finding missions, and firsthand contacts in the field, including local working journalists in countries around the world. CPJ also tracks journalist deaths and detentions. CPJ staff applies strict criteria for each case; researchers independently investigate and verify the circumstances behind each death or imprisonment.

Freedom House likewise studies the more general political and economic environments of each nation in order to determine whether relationships of dependence exist that limit in practice the level of press freedom that might exist in theory. So the concept of Independence of the press is one closely linked with the concept of press freedom. The survey asks questions about direct attacks on journalists and the media as well as other indirect sources of pressure against the free press, such as pressure on journalists by non-governmental groups. RWB is careful to note that the index only deals with press freedom, and does not measure the quality of journalism. In 2003, the countries where press was the most free were Finland, Iceland, the Netherlands In 2004, apart from the above countries, Denmark, Ireland, Slovakia, Portugal and Switzerland were tied at the top of the list, followed by New Zealand and Latvia. The country with the least degree of press freedom was North Korea, followed by Burma, Turkmenistan, People's Republic of China (mainland only), Vietnam, Nepal, and Iran.

Principle of Recognition: The constitution of the states must recognize and respect the universally accepted principles of human right in the constitution. The principle of inalienability: No human being can be deprived any of those right at the will of the

² *Gitlow v. New York* (1925)

state. Principle of equality non discrimination: The heart of the fundamental right is the equality and equity. The constitution should guarantee right to equality and non discrimination. Principle of Individual dignity: this is the heart of the fundamental right of every democratic constitution. Social equity and justice: This principle is important to guarantee the favorable treatment to weaker section of the society considering their vulnerability context. Enforceability: Both political and civil and socio economic right must be enforceable. Interdependency of right: Fundamental rights are interdependent to each other right. One right cannot be looked into Isolation.

Right to Freedom³ Under the Interim Constitution, 2007

Right to Freedom: every person shall have the right to live with dignity, and no law shall be made which provides for capital punishment. No person shall be deprived of his/her personal liberty saves in accordance with law. Every citizen shall have the following freedoms:

(a) freedom of opinion and expression; (b) freedom to assemble peaceably and without arms; (c) freedom to form political party or organizations; (d) freedom to form unions and associations; (e) freedom to move and reside in any part of Nepal; and (f) freedom to practice any profession, or to carry on any occupation, industry, or trade.

Reasonable Restrictions: nothing in sub-clause (a) shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty and integrity of Nepal, or which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes, religion or communities, or on any act of defamation, contempt of court or incitement to an offence; or on any act which may be contrary to decent public behavior or morality.

Right Regarding Publication, Broadcasting and Press:⁴ No publication and broadcasting or printing of any news items, editorial, article, writings or other readings, audio-visual materials, by any means including electronic publication, broadcasting and press, shall be censored. No radio, television, online or any other types of digital or electronic means, press or any other communication media shall be closed, seized or be cancelled the registration because of publishing and broadcasting or printing any material by such means of audio, audio-visual or electronic equipments. No newspaper, periodical or press shall be closed, seized or be cancelled the registration for printing and publishing any news items, articles, editorial, writings or other reading materials. No communication means including press, electronic broadcasting and telephone shall be obstructed except in accordance with law.

Right to Freedom Under the Constitution of Nepal, 2072 (2015 A.D.)

Right to live with Dignity:⁵ Every person shall have the right to live with dignity. No law shall be made which providing for the death penalty to anyone.

Right to Freedom:⁶ No person shall be deprived of his/her personal liberty except in

³Art. 13 of *Interim Constitution of Nepal*, 2063 (2007).

⁴Art. 15 *Ibid*.

⁵Art 16 (1) of the *Constitution of Nepal*.

accordance with law. Every citizen shall have the following freedoms: (a) freedom of opinion and expression; (b) freedom to assemble peaceably and without arms; (c) freedom to form political parties, (d) freedom to form unions and associations; (e) freedom to move and reside in any part of Nepal; and (f) freedom to practice any profession, or to carry on any occupation, industry, trade and business in any part of Nepal.

Right to Communication:⁷ No publication and broadcasting or dissemination or printing of any news items, editorial, feature article or writings or other readings, audio-visual materials, through any means whatsoever including electronic publication, broadcasting and printing shall be censored.

Impose Reasonable Restriction: Nothing in sub-clause shall be deemed to prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty and integrity of Nepal, or Which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes, religion or communities, or on any act of defamation, contempt of court or incitement to an offence; or on any act which may be contrary to decent public behavior or morality as well as caste based untouchability and gender discrimination.

No radio, television, online or any other types of digital or electronic means, press or any other communication publishing, broadcasting or printing any news item, feature, editorial, article, information or other material shall be closed or seized nor shall registration thereof be cancelled nor shall such material be seized by the reason of publication, broadcasting or printing of such material through any audio, audio-visual or electronic equipment. Provided that nothing contained in this clause shall be deemed to prevent the making of an Act to regulate radio, television, online or any other form of digital or electronic equipment, press or other means of communication. No communication means including press, electronic broadcasting and telephone shall be obstructed except in accordance with law.

Right against Torture:⁸ No person who is arrested or detained shall be subjected to physical or mental torture or to cruel, inhuman or degrading treatment. Any act mentioned shall be punishable by law, and any person who the victim or such treatment shall have the right to obtain compensation in accordance with law.

Right against Preventive Detention:⁹ No person shall be held under preventive detention unless there is a sufficient ground of the existence of an immediate threat order of Nepal. Information about the situation of a person who is held under preventive detention pursuant to clause (1) must be given immediately to his or her family member or relatives. Provided that this clause shall not apply to a citizen of an enemy state. If the authority making preventive detention holds any person under preventive detention contrary to law or in bad faith, the person held under preventive detention shall have the right to obtain compensation accordance with law.

⁶Art. 17, *Ibid.*

⁷Art. 19 (1), *Ibid.*

⁸Art. 22 (1). *Ibid.*

⁹ Art. 23. *Ibid.*

Right to Information:¹⁰ Every citizen shall have the right to demand or receive information on any matter of his/her interest or of public interest. Provided that no one shall be compelled to provide information on any matter of which confidentiality must be maintained in accordance with law.

Right to Privacy:¹¹ The privacy of any person, his or her residence, property, document, statistics, correspondence and matters relating to his or her character shall, except in accordance with law, be inviolable.

Right to Constitutional Remedies: There shall be a right to obtain constitutional remedies in the manner set forth in article 133 or 144 for the enforcement of the rights conferred by this part.

Arts of Reporting in the Judiciary: Powers relating to the justice in Nepal is exercised by Courts and other judicial institutions in accordance with the provision of the constitution and the law recognized principles of justice. The judiciary of Nepal is committed to the Constitution by recognizing the concept, norms and values of the independence judiciary, and by realizing the spirit of democracy and the aspiration of the people's movement.

Duty to extend co-operation to the Courts:¹² It shall be the duty of the Government of Nepal and the offices and officials subordinate to the government of Nepal to act in aid of the Supreme Court and other courts in carrying out the functions of dispensing justice.

Orders and decisions of Courts to be binding:¹³ All shall abide by the orders and decisions made in course of the hearing of suits by the courts. Any interpretation given to a law or any legal principle laid down by the Supreme Court in the course of the hearing of a suit shall be binding on the government of Nepal and all offices and courts.

Contempt of the Court:¹⁴ If anyone makes obstruction in the dispensation of justice by, or disregard any order or judgement handed down by it or any of its subordinate courts, the supreme court, Appellate court and District court may in accordance with law, initiate proceedings and impose punishment for contempt as follows:

District Court – 1000 or one month judicial custody or both,

Appellate court- 5,000 or 6 month judicial custody or both,

Supreme Court- 10,000 or one year judicial custody or both

Conclusion

Being committed and guaranteed from our new constitution to socialism based on democratic norms and values including the people's competitive multiparty democratic system of governance, civil liberties, fundamental rights, human rights, adult franchise, periodic elections, full freedom of the press, and independent, impartial and competent judiciary and concept of the rule of law and freedom of speech and digital expression should be executed by the government side immediately.

¹⁰Art 27. *Ibid.*

¹¹Art. 28 . *Ibid.*

¹²Art. 128 (4) . *Ibid.*

¹³Art. 128 (4). *Ibid.*

¹⁴Art 128 (4). *Ibid.*

Means as an Invention and Creation

Prabhu Ray Yadav*

Abstract

How to take the guidance from our forefathers' glorious past is serious concern for today's generation who feels directionless. For the sake of a better society, the example of our elders will help bring better values in today's youth. Swami Vivekananda says: "Means is always a medium for making a work of invention and creation". For instance, a political 'ism' holds power as a means to fulfill the needs of society. So, new generation should take means of 'ism' or any other means to materialize their commitment for national prosperity and international peace. This is an urgent task today when the nation as well as the entire world needs a drastic change in the civic rules and principles.

Introduction

During 1960s and 1970s Kathmandu was frequented by Hippy people. Some streets of Kathmandu were known as Freak Street. Basantapur Square was familiar with the Hippy People coming from across the world. People from Kathmandu city too would assemble at the public places like squares to discuss about issues of national importance. Now, the situation has changed and Kathmandu is no more an attraction for Hippy People. Present day politics has brought a drastic change in the modern life.

Hippie's Inherent Identities

The word Freak means a type of person who is considered abnormal in terms of his social traits, behavior, and ideas. The work of freak is often looked at historically because it is an inherent identity of the Hippy people. Their origin goes back to the 1960s and it is derived from the dialect of an unconventional way of life. It was in 1972 when the Hippy would visit Nepal to take hashish. Basantapur of Kathmandu provided shelter to them. There was no restriction or ban at that time on hashish taking. Perhaps the Hippies came to Nepal because hashish taking was not allowed in their own countries. In 1972, Basantapur of Kathmandu was as familiar as Thamel is today for all sorts of tourists from across the globe.

A Game for Power Politics Sharing

The Basantapur Square became familiar with the group of Hippies from across the world. This place symbolizes the origin of the Hippy tourists. The Freak Street of Basantapur was a famous place for hashish addicts who enjoyed the big huqas (the water-pipes) and charash

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(hashish). Of course, the street of Basantapur Square was also well known as a place where "the game for power politics sharing was played" (Orwell). Before dawn, people would gather from different walks of life and society to take their morning tea at that spot.

The Limitation of Club

Another place of Kathmandu like the Freak Street of Thamel in 1972 and 1974 was pipalbot (a name of tree). It was a popular place which was visited by people from all walks daily. They gathered to talk about day to day events and the politics of the nation. They would start talking about the current politics of that time. Such talks are limited today to "the various political clubs of the country" (Dutt). However, things have changed today drastically because of the constraint of time and place.

Loss of Time and Money in the Society

There are several layers of party within the party these days. For instance, the then Foreign Minister Mahendra Bahadur Pandey in a program organized by Nepal Council of World Affairs on 7 April 2014 claimed that political parties suffered from severe fragmentation. According to him, leaders of a political party can't stand up to this party mania because there are several restrictions within the party. Pandey ironically in the same program portrayed Nepalese leaders as entangled in the party daldal (groupism) and they could not rise above their party groupism. What Mr. Pandey meant to say was that the leaders forgot the sovereignty and integrity of the nation. He further commented that growing factionalism in political parties had wasted people's time and money thus endangering the country's future.

The Freak Street in Kathmandu is a historical place for the hippy people. where they used to sit in restaurants for hours and hours. The shop where hashish was sold openly and without any restriction from the government was started by Indian businessmen. The foreign trader and its consumer enjoyed the intoxication. But gaja (hashish) and other such substances are banned today in society.

Moderation of Ancient Nicotine

At that time in the Freak Street B. L. Sharma was an Indian shopkeeper, who ran a freak shop to offer entertainment for Hippy people under his guidance. There were two groups, national and international Hippy people, who gather would at pipal tree every day. Today, there are several shops in the Freak Street of Basantapur in Kathmandu. There is now a noted freak shopkeeper, whose name is Prabeen Goel. Mr. Goel sharing with me his ancestral business told me that this was the third generation of his domicile in Nepal. He only sells Shisha (Hookah) in the Freak Street Road of Basantapur. This Shisha runs on molasses and flavored substances. They are manufactured with tobacco. These tobacco substances are called today charcoal and molasses. They are more nicotineless or refined nicotine than the tobacco made pini (a kind of smoking) in the ancient time.

The frame of Hookah which was used to run on pini is replaced today with shisha, a modern abbreviation for the old model of addiction. This shisha is made of various elements like Alumunion foil, metal, glass, rubber, ceramic, wood etc. Its base is made of glass and its middle part is made of metal plastic, glass or acrylic steel etc. The top part of shisha, where charcoal, molasses or flavor are arranged first in a cup, is like a pot which is made of ceramic substance. There is a long pipe made of wood and rubber substances. The product

of shisha is exported from Middle East countries like Turkey, Lebanon, Egypt and other Arab countries. The pipe height of hookah (shisha) is ten to twenty eight inch tall and its price is fifteen to forty five hundred rupees.

Nepalese are well known as people fond of the shisha and the flavoured taste of charcoal. Shisha and charcoal are English names. They are known as Hookah and pini in our Nepalese society. Hookah means shisha and pini the charcoal. The function of charcoal is done by the masalla of shisha which is put in burning fire on a ceramic cup. This cup is made of clay in our land. The bay of the hookah is made of the dry coconut fruit.

Priority for Social Welfare Activities

In ancient time Hookah was made of dry substances such as wood stick, coconut, clay, and it was fixed on a rugged cloth. Tobacco and Mitha (Sakhar or sweet) are the main spice materials (mixed masalla). Such mixed masalla are used to prepare either pini (a smoking mixture Masalla arranged on clay made cup) or charcoal. Goel says that there is much nicotine in pini, which is freely available in the village market. Actually, this pini is a homemade material though it has less nicotine than cigarette and tobacco. The smell of hookah is much sweeter than the smell of hashish and cigarette. The sweetness of hookah lured me too to have a light taste while my grandmother assigned me to put fire on the chillum (earth made cup). As soon as I came home from school, I would go to buy pini in the village market once or twice a week. The colour of Pini is very dark grey like the coal type substance. It smells sticky and sweets like Sakhar and Mitha. But the smell of pini is much sweeter than the smell of cigarette and hashish. The price of homemade pini is much cheaper than charcoal, although taking any such substance is harmful to our health.

Conclusion

The old people smoke pini much more than the young people. The sound of hookah makes a musical sound like gudgud (loud murmur). Mostly the aged people enjoy the hookah as they can't change their habit. If habit dies hard, the quantity goes on increasing day by day. Instead of any habit, it is better to live with no habit or "we do have a habit without any habit which awards us with a healthy body, high thinking and long living" (Woodward, 18). Rather than spoiling health and wealth in vain, it is better to utilize them for social welfare activities.

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BBIN Motor Vehicle Agreement: An Overview

*Dr. Salahuddin Akhtar Siddiqui**

Communication and connectivity play a vital role in strengthening mutual trust, uninterrupted transport facilities, well implemented policy, regulatory measures, laws inputs and positive energy in economic cooperation.

Connectivity is considered as the most important factor for any regional and sub-regional cooperation. Several attempts were made in the past to broaden the scope of connectivity and trade among the SAARC nations to foster regional integration. But it could not materialize successfully. During 18th SAARC summit at Kathmandu, Prime Minister of India Mr. Narendra Modi stated that regional integration in South Asia would go ahead “through SAARC, or outside it among all of us or some of us. Then a push toward the sub-regional cooperation was exerted when four out of eight countries of SAARC signed an agreement named “Motor vehicle agreement for the regulation of passenger, personal and Cargo vehicle traffic between Bangladesh, Bhutan, India & Nepal”(BBIN-MVA) on 15 June, 2015, at Thimpu, Bhutan. This agreement is to facilitate movement of Passenger, Personal and Cargo vehicle Traffic within the territories of the partner countries. The agreement favours with the spirit of economic integration emphasized in the SAARC charter. This agreement is also endorsed by the cabinet of the government of signatory countries. With this agreement, BBIN countries will benefit by mutual cross boarder movement of the sub-region. This agreement shall also strengthen people to people contact and enhance economic activities among these four countries.

BBIN- MVA has 17 articles and 63 sub-articles. This agreement has several directions, regulation, restrictions and limitations. It is an open ended agreement with prior consensus among the existing partner countries and any existing country may withdraw from this agreement at any time. This agreement will come into force after the completion of formalities, including ratification by all partner countries.

Implementing this agreement to cross boarder movement of goods cargo vehicle do not have to be changed at the border, a practice which has prevailed till now. Member countries would allow registered vehicle in the other country's territory under certain terms and

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conditions. Customs and tariffs will be decided by the respective countries at bilateral and trilateral forums.

BBIN-MVA benefits all four countries, but among two Himalayan countries, Bhutan and Nepal will be more benefitted than others. This agreement shall minimize the grievances of Nepal concerning trade and transit issue with India. In the case of Nepal, the agreement would facilitate unhindered movement of cargo vehicle carrying export to and import from the third countries through India. Bhutan will also increase people to people contact in the region and boost commerce and trade among the four countries.

ADB support to South Asia sub-regional economic cooperation is helping to enhance interconnectivity among four countries. These countries require efficient land transport connectivity between the concentrations of supply and demand, which are widely dispersed.

Trade and transport corridor of these four countries should be rehabilitated and upgraded. The corridors and associated routes were determined based on analysis of the patterns of regional and international trade. Transforming transport corridors into economic corridors could potentially increase intraregional trade with South Asia. Development of economic corridors within and between countries requires the implementation of policy, regulatory measures and laws of those countries in appropriate manner.

Besides, this agreement would enable exchange of traffic rights and ease cross border movement of goods, vehicle and people which may help to expand people to people contact, trade and economic exchange among signing countries. It might facilitate the creation of new chain or network of production, tourism and academic exchange program from different educational institutions among the signatory countries.

MVA might open up new opportunities for Nepal and Bhutan to conduct their international trade through Bangladeshi sea port and Bangladesh to earn a good amount of foreign currency. Indian province Assam may reduce travel of shipment using Chittagong port to export its products to third countries.

But, In spite of that, many challenges are ahead to implement this agreement effectively because of inadequate infrastructure, security issue, dispute settlement mechanism, and in effective domestic laws of respective countries.

Unofficial Indian Blockade and its Impact

*Prakash A. Raj**

When Narendra Modi was elected Prime Minister of NDA alliance after defeating UPA alliance in 2014 elections many people in Nepal were happy. They thought that the major constituent of the alliance, BJP was a Hindu nationalist party and would develop friendly relations with Nepal, one of the two countries in the world where the majority of the people were Hindus as in India. When Modi visited Nepal officially he was warmly welcomed and was also honored with addressing the Nepalese constituent assembly and legislature-parliament. There were some who thought that the Nepalese people would be given a choice of voting for a secular or a Hindu state in a referendum before the constitution would be promulgated by second constituent assembly (CA-2) elected in 2014. Others hoped for Indian investment in developing hydroelectric power in Nepal. However, the constitution was promulgated just before elections for legislative assembly in the state of Bihar in India which the largest party in the ruling coalition, BJP hoped to win. The Indian government hoped that the constitution be promulgated after the elections. It was aware that some Madhesh based political parties in Nepal wanted "one Madhesh" extending from River Mechi in the east to Mahakali in the west. Some columnists thought that it was also the agenda of the Indian government which wanted a government of Madheshis should run the new state which would be more sensitive to India's security and economic interests than the government in Kathmandu. Prime Minister Sushil Koirala of Nepali Congress should have waited for a few months so that elections in Bihar state had been completed. No political leader India or Nepal thought that BJP would be defeated badly in Bihar or India would impose an "undeclared blockade" after the promulgation of constitution that would last for more than four months.

The agenda of "one Madhesh" extending from east to west in the Terai was no longer possible because of demographic changes that had taken place in Nepal in the three decades after 1960 when a large number of people migrated from the hills. Many districts in the Terai, especially in the far east consisting of Jhapa, Morang and Sunsari and in the far west including two districts of Kailali and Kanchanpur had changed so much that the

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people from the hills speaking Nepali made up the majority of population. They would have been unwilling to be a part of a single state dominated by ethnic Madheshis, who formed the majority of population only in eight districts in south central Nepal extending from Birganj to Kosi River.

It was wrong on the part of the Indian government to impose an "unofficial" blockade in Nepal after the first ever constitution made by a constituent assembly elected by the people had been promulgated on the grounds that it was not "inclusive". Veteran communist leader Mohyan Bikram Singh (Kantipur, 10/12/15) says there is danger of Indian occupation of whole of Nepal by India when a third of its territory was lost to the East India company. He says, Sardar Patel, the deputy Prime Minister of India and the One of the important reasons why Nepal was able to emerge as an independent entity after India became independent in 1947 was the wise policy followed by two Rana prime ministers, Jung Bahadur and Chandra Shamsher. Jung Bahadur helped the British subdue the mutiny in 1957 in northern India and was rewarded with four districts in southwestern Nepal consisting of Banke, Bardia, Kailali and Kanchanpur that had been taken by the British after Nepal's defeat and Treaty of Sugauli. On the other hand, Chandra Shamsher helped the British during the First World War and they recognized Nepal as fully sovereign for the first time. The status of Sikkim wasn't changed which facilitated its merger with India in later years. Jainendra Jivan, a columnist wrote in The Kathmandu Post (The Kathmandu Post, 13/12/15) quoting the memoirs of a retired RAW official says Indira Gandhi had planned to annex Terai with India. He says this revelation was never refuted officially.

What could be other reasons for "unofficial blockade" which were against all international norms and practices against a fellow SAARC country with which it has close civilizational links of religion and languages and shares an open border with Nepal ? . Few Indian leaders have been critical of blockade except Sitaram Yechuri of CPM which had played a key role in ending monarchy in Nepal and declaration of Nepal as a secular republic from Hindu monarchy. His party was supporting Manmohan Singh's government during UPA-1 when its support was crucial for survival of the government. On the other hand, the support base of communist parties in India has declined considerably after 2014 elections resulting in CPM's defeat in the state of West Bengal. The leadership of Nepal after promulgation of constitution is largely leftist. The Prime Minister is a leader of CPN (UML). There are communist leaders from different parties who make up four out of six Deputy Prime Ministers. The new President is from CPN (UML) and the Vice President is a Maoist. A Maoist publication called the Vice President as 'general Giap of Nepal similar to that in Vietnam who had participated in the anti-government attacks in Jumla, Dolpa, Myadgdi and Achham as commissar during the People's War. The speaker of the legislature-Parliament is also a Maoist. The Home Minister is also a Maoist. It may be recalled that the Twelve Point Accord signed between Nepali Congress, UML and five other political parties in New Delhi in 2005 was brokered by India which led to signing of CPA (comprehensive peace agreement). When Nepal was being governed under Interim constitution, both Presidents, vice President were non communists. On the other hand, there were two Maoist Prime Ministers as Dahal and Baburam Bhattarai and UML Prime Ministers as Madhav Nepal, Jhala

Nath Khanal. On the other hand, one of the major reasons was a the brokering of Twelve Point Accord by India for which NDA government and Modi were not responsible. There are several states in India that are governed by BJP such as Madhya Pradesh and Chhattisgarh which are fighting Maoist insurgencies. It is possible that the relations between a Hindu nationalist government in Delhi and the leftist government in Kathmandu are also affected by ideology. There are also some columnists who believe that the "undeclared blockade" is also due to declaration of Nepal as a secular state against the alleged advice from some BJP leaders in India who are members of RSS. It is possible that the undeclared blockade is due to an agenda to declare an autonomous Madhesh as a "buffer" between the hilly part of Nepal which some columnists believe would eventually merge with India. However, the point to remember is that the constitution was promulgated by a constituent assembly elected by the people of Nepal.

**On the occasion
of
the 68th Anniversary of
the Nepal Council of World Affairs
We offer our heartiest felicitations
and best wishes**



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Nepal's China Relations: The Wrongs

*Upendra Gautam**

Nepal's China relations are facing the challenge and difficulty emanating from Nepal's constitutional crisis and its covert and clandestine nexus with foreign destabilizing elements. The challenge and difficulty, even in the 60th diamond jubilee year (2015) of the establishment of the diplomatic relations between Nepal and the People's Republic of China, are compounded by the wrong perception of China in Nepal's political leadership-past and present.

Nepal's China relations to flourish and grow from strength to strength in the generations to come must get rid of the prevalent wrong perception. Until Nepal's China relations are liberated from the debilitating and heinous impact of this perception, it will not be independent enough to reap fairly optimum cooperation benefits from China's economic development, infrastructural modernization, communication and transportation efficiency, industrial and technological innovation, and inter-regional development initiatives such as Shanghai Cooperation Organization, One-Belt One-Road, Asian Infrastructure Investment Bank, China South-South Cooperation Fund, "Six 100s" Assistance and China South-South Cooperation Fund.¹⁵ What needs to be noted in China's concept of international community of shared and common destiny is the profound emphasis on equality of all-big and small, strong and weak and a win-win situation for all engaged.

The First Wrong

The first wrong Perception in Nepal's China relations is to take China as an extra player. An extra layer is always treated with a sense of ad hocism; only considered for duty when a predetermined player is harmed or not cooperating.

As a matter of fact, Nepal's China relations are not and cannot be an ad hoc alternative of Nepal's bilateral relations. Nepal's China relations are historic, special, unparallel and complete in themselves.

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¹⁵The "Six 100s" was declared at a South-South cooperation roundtable hosted by President Xi. It covers poverty reduction, agriculture, trade, environment, health and education. Under this program, he has offered China's assistance to developing countries in the next five years for 100 poverty reduction, 100 agricultural cooperation, 100 trade promotion, 100 environment protection and climate change, 100 hospitals and clinics and 100 schools and vocational projects. The fund will also enhance developing countries' capacity to access the Green Climate Fund, http://news.xinhuanet.com/english/2015-10/15/c_134716454.htm, 15 October 2015.

This wrong perception is kept on being nurtured, cultivated and accelerated by the neo-colonialists through their design of a "China Card" notion. These neo-colonialists systematically sponsor the so-called "independent" think tanks and "free" media to indoctrinate the China card notion in the minds of the political leadership.

The political leadership in Nepal should be very clear that the country that can play "China Card" is non-other than China. For the neo-colonialists, the "China card" is a cover to bully and coerce the weak, deliberately creating a pretext for "punishing" them for their ad hoc on and off play of China. From such play, a weak country like Nepal only invites multiple foreign-induced problems in its economic and political evolution.

To correct the wrong perception and subsequent wrong doing, Nepal's political leadership must be bold, honest and visionary enough to have its relations with China on a regular, comprehensive and permanent or long term basis.

The Second Wrong

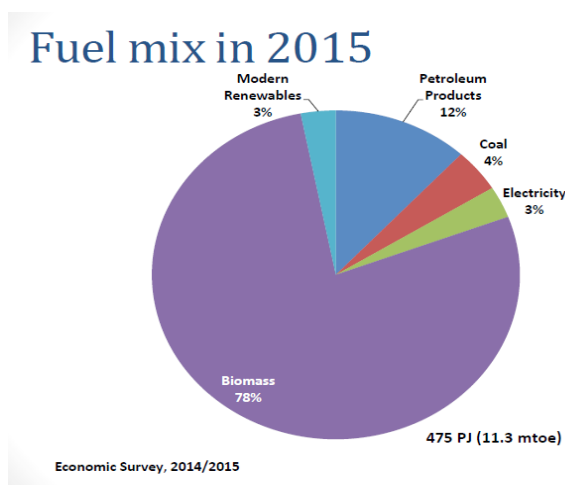
The second wrong in Nepal's China relations is a perception that takes Nepal as a golden bridge between the Republic of India and the People's Republic of China. This is absolutely a wrong perception for two major reasons. One, Nepal so far has not managed, maintained and operated its China relations on a regular, comprehensive and permanent or long term basis; an ad hoc relationship cannot merit the abilities that are required for building and managing a soft "golden bridge." Second, India does not recognize Nepal as equal to itself; for a golden bridge to be enduring and functional enough does not only need a geo-political equilibrium but also a foundation that is laid on a level-playing field. The "golden Bridge" is a wrong perception of Nepal, also because a notion of servitude is built-in it. The case would have been different if Nepal's relations with China were on a regular, comprehensive and permanent or long term basis and India had recognized Nepal as an equal partner in the scheme.

In the given context, a golden bridge perception of Nepal between China and India does not do justice to Nepal. A telling example of how wrong and misplaced was the perception of Nepal as a golden bridge between China and India was recorded in the sheer unwillingness of India even to join hands with China in the humanitarian reconstruction of Nepal after the Great Earthquake of April, 2015.

Exemplifying the Wrongs

The emergence of serious oil crisis in Nepal after the promulgation of the new constitution would be the most burning case that very severely exemplifies the wrongs mentioned above. Instead of comprehensively developing national capability both in the traditional and non-traditional senses, the governments in Nepal in the last several decades promoted themselves as the most extractive self-serving institution by internalizing an economic and trade system that was totally dependent on import. The python mentality of the governments that fed itself idly destroying the nation's production chain, industrial productivity and economic capability rendered the nation a hostage to the very cruel external dependence.

The figure below showing the fuel mix in 2015 clearly reveals three types of energy economy in the country-the first one is the largest and predominantly bio-mass based (78%); the second is completely fossil fuel based (16%) and the third is the smallest and modern renewable and electricity based (6%). The first bio-mass based economy is primitive, immobile and largely unhealthy. The second fossil fuel based economy is mobile, environmentally unfriendly and unsustainable.¹⁶ The third modern renewables and electricity based economy in the last 105 years (the first 500-KW capacity Pharping Hydro-electric project was commissioned in 1911) has only been able to get a share of six percent of the energy pie. The country's desire to be a sustainable, environmentally friendly and indigenous resource based economy with a sense of energy security has been victimized by institutionalizing a python mentality in the total energy policy on the one hand and creating a well entrenched vested interest in the forest sector by not allowing it to modernize and harmonize its scientific growth along with the accelerated pace of modern renewables and electricity on the other hand.



Source: Economic Survey 2014-2015 as mentioned in Amrit Nakarmi, "Current Energy Consumption Trends and Future Energy Scenarios of Nepal," a presentation made at the orientation program for media persons on water, Jalshrot Vikash Sanstha, 22 December 2015.

And here lies the crux of the matter. The foreign oil interest together with the government's python mentality has played very well in Nepal. So long this interest is intact, it will never allow Nepal's energy industry of indigenous, sustainable and environment-friendly modern renewables and electricity to grow. This interest to hide its visibility from the public has been using Nepal's forest sector as a counter-balance to Nepal's water-energy sector; this is like using innocent madhesis to hide the foreign controlled blockade against Nepal. This example too may further explain why the wrongs are deliberately committed to Nepal's China relations.

¹⁶Currently Nepal spent 126 percent of its foreign exchange earnings in 2010/11 for importing fossil fuels, mostly for transport, domestic cooking and private captive diesel plants due to the massive power cuts in the national grid, The spending was just 27 percent of the export earnings in 2000/01, CMS, "Policy Brief on Energy Sector Vision 2050 A.D.", Water and Energy Commission Secretariat, December 2013.

So far Nepal's political leadership has not been honest to the country and the people. To be honest, first it should have confidence in its people, their abilities and resources and harness them optimally. In Singapore too, a widely prevalent perception was that as it was a small and weak country among very big neighbors, it will be unable to do much. Leader Lee Kuan Yew, father of a strong and developed Singapore, had this to say about this perception, "Singapore has to take the world as it is; it is too small to change it. But we can try to maximize the space we have to maneuver the big 'trees' in the region." ¹⁷

Postscript: Will Wrongs Continue?

In the follow-up year of diamond jubilee of Nepal-China diplomatic relations, Prime Minister Oli has missed the most appropriate opportunity of being the significant visitor to China. All the erstwhile prime ministers of Nepal since the beginning of the new century (Messres GP Koirala, K Dahal, M Nepal, GN Khanal, BR Bhattarai, SP Koirala) only helped bury the bilateral proposals on friendship and cooperation treaty, transit and transportation treaty, business investment promotion and protection agreement, and water resources study. Though invited, Nepal never made right and adequate representation to China on Limpiadhura-Kalapani-Lipulekh border territorial issues. Any high level visit from Nepal to China all these years was marred by a self-inflicting mechanical debate of "first visit to India" that was divorced from any rationality (national interest, context, bilateral imperative and convenience). China, a great civilization, is least bothered about when and after which country you visit China. But this does not mean that it lacks understanding and does not keep track of the existing relations. No Nepali and Chinese people can be happy when they do not even get an opportunity to mark the diamond jubilee of Nepal-China diplomatic relations in a peaceful and befitting manner.

Prime Minister Oli may reach China, if he is not unseated from his position before, after the beginning of the Chinese New Year of the Monkey. Better monkey traits are intelligence and smartness. Mr. Oli must go for these and not for other monkey traits. Leader Lee Kuan Yew always emphasized and practiced meritocracy along with a very competitive incentive system. He was totally convinced that today's developed and strong Singapore was simply the product of its honest and visionary leadership supported by a team of meritorious people. China too has learned a lot from Singapore. Hope Mr. Oli is willing to learn and lead meritoriously. It will be his litmus test-how much he warms Nepal's relations with China as the leader of 'the new Beijing- friendly' ruling coalition¹⁸ that Nepal's China relations are conducted on a regular, comprehensive and permanent or long term basis.

¹⁷Lee Kuan Yew, *One Man's View of the World*, Straits Times Press Pte Ltd., Singapore, 2013.

¹⁸ Xu Liang, "Nepal warms toward China as new Beijing- friendly coalition takes power," *Global Times*, Beijing, 16 October, 2015.

Geo-political Realities of SAARC

*Tika Dhamala**

Since the collapse of the USSR and fall of the Berlin wall, the world is shaped in a different model. A new world order was created and positive relationships among old enemies are being started. Because of the rapid development and expansion of technology, mass communication, computers and transportation, the world has become like a small town. Free trade and globalization have become essential parts of our lives. SAARC (South Asian Association of Regional Co-operation) as other regional organization of the world for regional security, stability and prosperity is almost stagnant in fulfilling its aims and objective of achieving economic prosperity of people of the region and security of the region as a whole.

Factors such as the largest landmass among all and its borders shared by a large majorities of the SAARC countries - Nepal, Pakistan, Bangladesh and Bhutan leaves India in a unique geo-political position. A political change in India affects cross border politics in the neighboring countries. Because of the common ethnicity and race, cross border illegal movements of member of public are not infrequent. A 1950 Treaty between India and Nepal allows free movement of people of one country to the other. Because of this Nepal had to host more than half a million of refugees from Bhutan via Indian Territory, mostly of non Bhutia ethnic origins and affected an economic, social and security problem to Nepal. With all the past events, many Nepali citizens feel that India holds a big -brother attitude towards Nepal and interferes in its internal affairs. Koshi and Mahakali water treaties are not provided with their fair share of water and also they are angry about how Nepali political leaders bows down to India. Nepalese people are unhappy about India's inability to understand the difficult situation faced by Nepal even when it tries to maintain balance between two big countries India and China.

Movement of Pakistan backed insurgents to Indian Kashmir is one of the biggest issues with India blaming Pakistan for supporting the insurgents and Pakistan denying it by saying that it is only supporting the freedom fighters (Kasmiris). Since the partition of India and Pakistan in 1947 the Kashmir conflict and other military conflicts fought between the two nations consequently even though the two South Asian nations share cultural, geographic and linguistic links, their relationship has been seen by hostility and suspicion. One of the problems of Kashmir is also a Hindu Muslim problem. Pakistani Hindu ethno nationalists have pointed out that Pakistan maintains discriminatory policies towards non Muslims and particularly to the Hindus. But this year 2015, very surprisingly Pakistan Prime Minister Nawaz Sharif attended a Hindu festival Diwali in Karachi which was organized by the Hindu

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community there. He said on the occasion that “you belong to me and I belong to you”. Prime Minister also promised that his government would ensure that every citizen of the country is guaranteed his /her human right regardless of the faith they practices.

The India-Pakistan tensions have been catastrophic for the South Asia’s aspirations of regional development and SAARC has been rendered largely useless. Their tensions lie at the root of all problems that have emanated in South Asia and have been instrumental in jeopardizing any prospect of the region’s development and the survival of SAARC itself.

Security concerns also in the region have escalated tremendously through the India-Pakistan problem, especially when it ultimately took the shape of nuclear signaling between the two countries. This threat has raised a grave concern among external powers, which have even interfered a few times in history to pacify the two neighbors. Never ending problem between India and Pakistan has really created a problem to fulfill the sentiments of SAARC since its establishment of more than three decades.

After the liberation of Bangladesh, the relation between two countries (India and Bangladesh) also didn’t go well. There have been frequent border skirmishes in different issues particularly in boundary and water. The historic land boundary agreement was signed on 6 June 2015 which opened a new era in the relations between India and Bangladesh. Historically and culturally the two countries have been considerably close to each other. The ethnic issue of the Tamils of Srilanka had also involved India in disputes with Srilanka.

Bhutan and India have been traditionally close. India influence over Bhutan’s foreign policy, defense and commerce. But Bhutanese people does not seems to be comfortable on that matters. The unpublished but accepted protocol seems to be Tibet is Chinese internal affair and Sikkim is India’s internal affair. And let the Kingdom of Bhutan exercise her sovereign choice. India cannot publicly or privately tell China to keep away from Bhutan but India has showed every and all distaste for progressive Sino-Bhutan ties. But the Bhutanese government has already expressed a need to renegotiate parts of the treaty to enhance Bhutan’s sovereignty.

SAARC as a regional organization is crippled by its own structural shortcomings which prevents the formulation of any resolution and its implementation. The biggest hindrance in SAARC’s Charter prevents the member nations from discussing issues of bilateral concerns, for example the India-Pakistan problem. Recent undeclared blocked of India to Nepal connected with Madhesh Aandolan also could not be an issue in SAARC due to its structural shortcomings. If it remains as it is, SAARC will be as a comments of an Indian columnist “It is seen as a talking shop of a region that accounts for the largest population of the poor with lofty goals, high-sounding resolutions ringing declarations and little by way of achievements”.

The issues like above, mostly arisen because of the geo-political reasons, are bilateral and have affected the region’s development. The irony is there is no arrangement in SAARC’s credentials to discuss these issues for their solution as they affect the developmental process of the whole region in general and smaller countries in particular.

Gorkha Earthquake 2015 and Reconstruction in Rural Areas

*Hari Darshan Shrestha **

Introduction

Nepal has had a long history of destructive earthquakes. The seismic records show that major earthquakes strike the region every 75-100 years. The 7.8 magnitude of the 25th April 2015 Gorkha earthquake, in addition to its aftershocks, particularly a one of magnitude 7.33 on 12th May 2015, are reminders of the reality that the nation lays in a high-risk earthquake zone. Despite frequent earthquakes, Nepal has not developed safer building construction practices. More than 90% of residential buildings are constructed by individual house owners, without supervision from trained professionals. Even residential buildings designed by structural engineers and approved by municipalities are usually constructed without effective monitoring and supervision. Moreover, the enforcement of building codes is only applied in a handful of municipalities, with mixed success. Hence, many local buildings stay highly vulnerable to earthquakes of even a moderate scale. The 2006 Sikkim, India earthquake (magnitude 5.7), which damaged numerous improperly constructed Reinforced Cement Concrete (RCC) buildings (Kaushik et. al. 2006) exhibited this. As stated by Bilham and Hough (2006) "if steps are not taken now to reinforce cities, future earthquakes will cause future hazards on an unprecedented scale."

The Gorkha earthquake and its aftershocks damaged scores of buildings in rural areas and many RCC buildings in urban areas like Kathmandu. Although damage to reinforced buildings in Kathmandu was less severe than estimated, the safety of these buildings continue to be a major concern in the event of future earthquakes. Locals often place their primary focus on constructing aesthetically pleasing and functionally useful homes, often downplaying the essential provision for safety in the face of disasters. Moreover, these houses are built with the owner's customary knowledge with traditional materials, which are ill equipped in the event of an earthquake.

Due to their poor design and construction practices, there is an critical need to develop a strategy to ensure the safety of both existing and future constructed buildings. Furthermore, a comprehensive national action plan on implementing and enforcing building codes for new and existing construction, in addition to evaluating if current buildings need to be demolished, strengthened, or put to limited use needs to be put in place. The policy should

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be used to develop a framework that will include a timeline, financial provisions and the approach to build safer urban centers. Moreover, the policy needs to be a tool of sound technical judgment for integrated and resilient rural-urban development.

Lessons from Earthquakes, 2015

The Gorkha earthquake killed more than 8,700 people and injured 22,000, with nearly three million people in need of humanitarian assistance. Almost 800,000 houses were fully or partially damaged. The total value of damages was estimated at NPR 706 billion. Of this, 76 % of the total damages (NPR 517 billion), represents the damage of physical facilities, primarily housing.

The Post Disaster Needs Assessment has revealed that the earthquake has disproportionately affected poorer, rural locations, comparatively to the urban and semi urban area. The Human Development Index (HDI) of nine out of 14 severely affected districts is lower than the national average. Beside Kathmandu, Bhaktapur and Patan, all the affected areas are rural. If the reconstruction process is delayed or not designed to address the local and national context, the losses will continue to amplify, pushing more locals below the poverty line.

The construction and design of these houses can be made adaptable to the community's topographic features, climatic conditions, social traditions and geographic location. For example, houses in the Himalayan region may follow a structure, which is typically -storied, rectangular form, with small-sized openings small and flat roofs. The ground floor can be reserved for domestic animals, and the storage of fuel wood, while the upper floor can be used for living, sleeping, cooking, and storing. Conversely, a house in the hilly region may be double-storied with an attic and sloped roof and made from locally available materials. Houses in these areas can vary due to the diverse cultural, traditional, religious, social and economic status and customs of the Nepali people. These houses can be built in a cost-effective manner due to the villages' access to abundant building materials in its surrounding areas. For example, locally available building materials such as stone, timber, mud, and limestone should be used as much as possible. Additionally, builders can receive training for seasoning techniques of materials like timber prior to construction.

Therefore, a properly designed reconstruction package presents exciting avenues for Nepal to rise from the ashes of the earthquake. CoRD proposes that the best way this may be done is by evolving the current definition and utility of a Nepali "Village". This can be achieved through encouraging an integrated settlement in rural areas through the creation of livelihood, educational and health opportunities revolving around a village center. This will present an opportunity to make these rural areas more economically vibrant, thus retaining the youth force and discouraging migration to urban centers and abroad. Most importantly, the planning and construction of these new-concept villages will cultivate a culture of safe construction, thus generating a more resilient community.

The Concept is Characterized by Three Key Components:

1. The redefinition of village or gaun to "Town-Village".
2. An integrated settlement with a village centre
3. Economic vitalization with the creation of economic opportunities at the local level

Economic Vitalization with the Creation of Opportunities at the Local Level

The process of rehabilitation and creating a culture of safer construction can be established through training of local engineers and masons, building awareness in the local community, and capacity building in the local government. The earthquake reconstruction program provides an opportunity not only for developing resilient infrastructure and physical facilities but also for initiating economic activities that will result in long term self-reliance, leading to a sustainable rural economy. The conventional approach for reconstruction has been to construct physical facilities where the role of local communities has been limited to assisting with the respective projects. Although 'Building Back Better' (BBB) or building resilient infrastructure may be possible from this conventional approach, the outcome, as observed in post-disaster reconstruction of many developing countries, is usually worse than before. This is because no economic vitalization is considered, making almost impossible for the affected communities to break the vicious cycle of poverty and vulnerability to natural hazards. The Center of Resilient Development (CoRD) is proposing a new concept in reconstruction, which not only guarantees resilient physical facilities but also provides opportunities for sustainable economic development at a local level. The concept is based on economic vitalization contiguously during the reconstruction process.

Most buildings that collapsed in the hill area were stone masonry structures, which have poor tensile and shear capacities. Hence, the reconstruction process will need to incorporate locally usable materials to the shear and tensile strength currently used in stone masonry construction technology to make more resilient buildings. It is not a viable option to change the conventional approach drastically as this will require imported materials and also requires a technology external to the local communities. Furthermore, as stone and timber are the main construction materials in the conventional practice, materials can be salvaged and reused, reducing costs significantly. One of the technologies to strengthen the existing system of stone masonry building construction is the addition of GI wire. Stone masonry with GI Wiring and CSEB building construction will create livelihood opportunities to local people as both the technologies are based on local resources.

The reconstruction policy and approach should be designed with an emphasis to retain or incentivize youth working abroad to return to their home village. This is possible only if livelihood opportunities are available and the prospect of economic opportunities exists. The government should provide subsidies and loans to youth who want to stay or return to the village, enabling them to establish micro enterprises in areas like construction, groceries and livestock. This especially regards men, who have traditionally left regional areas to seek employment in local urban areas. Nevertheless, statistics show that rural-urban job migration for these youth have not been as successful as hoped. Unemployment for youth aged 15 to 24 has increased from 7.6% in 1998 to 13% in 2008. Hence, almost 2 million workers (2011 estimates) have looked at opportunities overseas, up from 762,000 in 2001 (ILO 2014, 3). The departure of male youth has thus left affected districts with a majority female population. This has caused much hardship as the women are then forced to take the responsibility of managing agriculture and livestock, whilst also fulfilling their cultural obligations of domestic work. Hence, the retention or return of youth, especially males, would assist with the reconstruction process, while also making the economy vibrant at the same time.

This concept is explained in Figure 1.

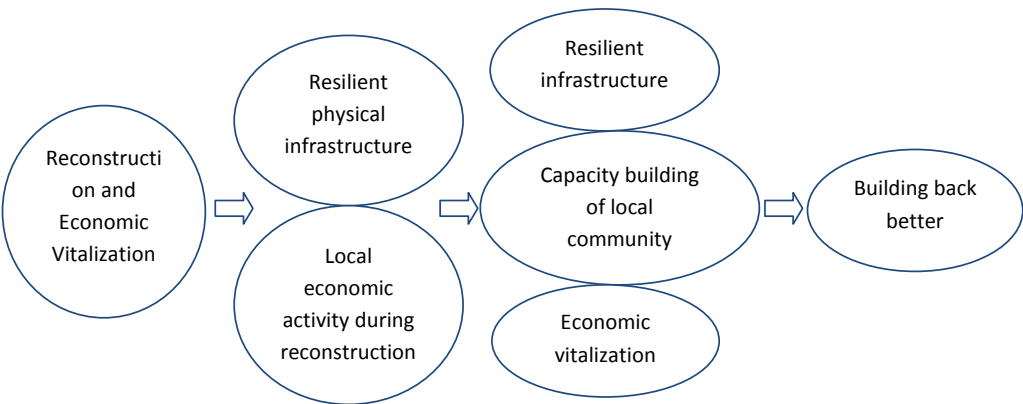


Figure 1: Economic vitalization and building back better in the post-disaster reconstruction

The approach should also recognize the hardships of minority groups hit by the disaster, including women, Dalits, senior citizens and people living with disabilities (PLWDs) who often have limited ownership of land and also may not have the ability to reconstruct their houses. Payments and special loans may also be required for them, in addition to the government’s social assistance programs, which are currently in place. The policy would also help protect women, girls and young boys in future from the risks of unsafe migration and trafficking for the sexual exploitation, organ trading and labour profiteering, which has experienced a spike in the aftermath of the earthquake

Re-definition of Village or Gaun to a “Town-Village”

A Town-Village will be an extension and update of the traditional Nepalese village, primarily due to its function of providing urban services in a regional area. This concept will most essentially involve a planned and integrated settlement, with housing and livelihood structures built to have protection from earthquakes, floods, landslides and fires, amongst other hazards. Its planned structure will also create a commercialized rural economy through livelihoods ranging from agriculture, to livestock, to agro processing, and many others. This economy will in turn be connected to the bigger centralized economy to promote cross regional and provincial trading.

The newly reconstructed Town-villages are most essentially an opportunity for a community to start anew. The planned infrastructure of these communities will break down barriers that previously encouraged urban and international migration. This will be achieved through the establishing of modern amenities like electricity and the Internet, and a village centre which will have key communal facilities like schools, markets and health centres. This level of planning and facilities will enable the Town-villages to attract trade and business partners from urban areas, and in the long run will facilitate urban to regional migration, bringing in an influx of funds and new entrepreneurial ventures to these communities. This will present a new solution in terms of job creation for Nepal’s labour force, which the International Labour Organization (ILO) estimates will rise by more than 30% or 4.7

million citizens between the years 2015 and 2030 (ILO 2014, 4). These opportunities are an avenue in reducing Nepal's dependence on its foreign workers as the primary contributors to economic growth and poverty reduction.

Integrated Settlement

The integrated settlement of the Town-Village will contrast traditional Nepali settlement patterns, which include Linear (Ribbon) Settlements, Scattered/Dispersed Settlements and Compact Settlements. Under an integrated plan, the new settlement should be designed in consideration with following factors:

- Geology, soil condition and topography
- Water
- Energy (Micro-hydro, Solar PV, Biogas plants, Rainwater Collection system)
- Food (Agricultural Land) – Economy
- Physical Connectivity (Access by Road)

The establishing of Town-Villages across Nepal offers a number of short-term and long-term benefits for the country. Currently, only 14 of the most affected districts in the aftermath of the April 2015 earthquake have received support for reconstruction and resilient planning. This is out of a total of 75 districts, which will also require seismic evaluations and retrofitting/construction, exhibiting the plethora of job opportunities that may be generated for locals. Through the government's provision of funds (an estimated US \$7 billion has been allocated for earthquake relief), technology, and technical support, the regional and urban economies can flourish, as they become more cooperative and interdependent.

The Way Forward:

In addition to these three key components, the reconstruction policy and approach should also consider a number of other interventions, including:

Implementation and enforcement of National Building Code

- Risk sensitive land use plan
- Risk sensitive building by-laws
- A building permit system
- Technical Assistance and training at the village level
- Use of green technology (CSEB, GI wiring, etc.)

These approaches can be implemented through a three-pronged strategy. Firstly, the concept of the Town-Village will need to be endorsed by the National Planning Commission (NPC), Government of Nepal. Secondly, the NPC will have to advise the guidelines for how the planning and evaluations for the Town-Village will be carried out. Finally, it needs to be endorsed and enforced by the Ministry of Federal Affairs and Local Development (MoFALD) at the local level.

Application of these plans to the 14 most affected districts of the Gorkha Earthquake will be a catalyst in generating out a culture of safer construction practices nationwide. The primary lesson from the Gorkha earthquake is that local construction methods are not

sustainable in terms of safety, and like the 14 affected districts, the 5 million plus buildings in the other 61 districts are prone to the same fate in the case of future earthquakes. Therefore it is equally important to extend sustainable practices to these other districts regardless of whether the projects will involve brand new construction or the retrofitting of existing buildings. With this we can create resilient Nepalese society. Reconstruction policy and approach to make build back better safer and greener has to replicate on the other districts as well.

Citations

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of
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Modi's India and Her Neighbours

*Prof. Surya P. Subedi**

Soon after his election to power Indian Prime Minister Narendra Modi had sent out a message to neighbouring countries that the manner in which he would conduct India's external relations would be different from his predecessor who had basically deferred the matter to the Indian mandarins. He gave the impression that he would take an active interest in improving relations with India's neighbours, and indeed, Bhutan and Nepal were some of the first countries that he visited. The speech that Modi gave to parliament in Nepal during his visit last year was music to the ears of the Nepalese people, long suffering from a small state syndrome. People in South Asia thought that his approach was refreshing and there was period of Modi mania in these countries, especially in Nepal. However, the situation has witnessed a volte face within a short period.

The old ways of conducting India's foreign relations seems to be back and resentment is brewing within South Asia - the fast deteriorating relations with Nepal is an example. After experiencing more than its fair share of political upheavals in its recent history, including the Maoist insurgency, abolition of the monarchy and the subsequent long drawn squabble among the political elite on how to fill the vacuum created by the abolition of the monarchy, the political leaders of Nepal were galvanised into positive action by the massive earthquake that hit the Himalayan state in April this year. Consequently, after trying for eight years without much success they were able finally to cobble together a new constitution for the country. However, the new Constitution was not able to address some of the concerns of some communities in the Terai-Madhesh region bordering India. Modi had sent an emissary to Kathmandu to persuade the main political parties to make the constitution acceptable to the Madhesi communities a few days before the constituent assembly was scheduled to adopt the new constitution. Irked by the decision of the Nepalese political leaders to proceed regardless, India showed reluctance in welcoming the new constitution.

Emboldened by India's approach, the people within the Tharu and Madhesi communities intensified their protests to have their concerns heard. The use of force by the government to suppress the agitation resulted in the violation of human rights of the people belonging to these communities. While some of their leaders were arrested and detained, scores of

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the demonstrators were killed. Many of the demonstrations turned violent resulting in the killing of a number of law enforcement officers.

Using the lack of security within Nepal and the unrest as a pretext, New Delhi decided to weigh in and restrict the movement of goods, especially petroleum products, to Nepal, a land-locked country perched on the southern flanks of the Himalayas, which is virtually dependent on India for its essential supplies. The people of Nepal who have not yet recovered from the devastation of the earthquake in April are now suffering more hardship due to the lack of essential supplies, and anti-Indian sentiment seems to be growing among them. Terming it an 'undeclared economic blockade' by India, the left and left-leaning political leaders of Nepal are looking north to China for help and the supply of essential goods through various passes along the Himalayan border, which is not an easy undertaking.

This is a failure of India's foreign policy vis-a-vis its small land-locked neighbour and symptomatic of the rapid decline of India's influence in its own neighbourhood. Trade is a reciprocal voluntary activity as no state is obliged to trade with another state if it does not want to. However, this is not the case if a state has a land-locked country as its neighbour. Under a raft of bilateral and international trade and transit treaties, India is under an obligation to do its utmost to ensure a free flow of goods into its land-locked neighbour and refrain from interfering in Nepal's internal affairs. Giving advice as a good neighbour is one thing, but interfering in the internal affairs of another state, especially by taking advantage of its geographical handicap, is quite another and goes against the basic norms of international law. Therefore, Modi should demonstrate his statesmanship and halt the downward slide of India's influence in its own neighbourhood if he wants India to occupy a seat at the high table of international diplomacy, i.e. a permanent seat in the Security Council of the UN. Rather than alienating its smaller neighbours, India should seek to provide global leadership equipped with their good will and support.

India's diplomatic service, known still to suffer from a colonial hangover, would benefit from more magnanimous, progressive and visionary political leadership. India's domestic democratic polity has not been fully translated into the conduct of its foreign policy in the international arena. For instance, India's role in the world arena of human rights is a contradiction in terms. It is a democracy at home but finds itself in alignment with countries which have a poor record of human rights. Not having enjoyed particularly cordial relations with most of its immediate neighbours, the Indian diplomatic machinery has been expending much of its resources in dealing with its neighbours and often meddling in the internal affairs of neighbouring countries without having a progressive agenda to promote. India would be better served by a diplomatic service that is able to project India's democratic values and progressive ethos in the international area, including its own neighbourhood.

Stray Thoughts on Nepal-China Relations

*Sundar Nath Bhattarai**

Nepal-China relations, which have completed a cycle of 60 years, have remained friendly, trustful, dependable and mutually supportive and cooperative throughout with full understanding of each other's interests, concerns and aspirations. Its Diamond Jubilee Anniversary was observed with various celebrations all along 2015. The evolution of Nepal-China relation continuously remained complacent and problem-free and developed into much closer and more intimate with each passing of day, notably since the establishment of diplomatic relation between Nepal and China on August 1, 1955.

In the course of development of relations with its neighbours China and India, Nepal, situated between these two colossal countries, was ever conscious of its delicate and strategic position since the very early period of its history, and has always tried to maintain its relation with them on equal-footing or equi-distance, Nepal, however, had to undergo unpleasant situations of suffering, time and again, due to occasional interferences as grievous as the recent economic blockade by its Southern neighbour, for no apparent reason other than a motive of establishing an unjustified sphere of influence over Nepal, jeopardizing its sovereign rights, socio-economic stability and impeding economic progress and causing unforgettable hardship and suffering of people and pushing the country's economy to a state of near collapse. This seems nothing but a show of might on its smaller neighbour like Nepal on the plea of the agitation of Madhesh-centric parties, an apparently logical and convenient excuse leading to a quick fait-a-compli to grab the situation in its own's favour. The agitation, which also turned to be violent, is now been viewed by some as over-magnified, and unnecessary and even superfluous in the context of available avenues as of on-going inter-party negotiations now taking place for peaceful resolution of the problems. This has also led many to rethink about the usefulness and worth of the system of federalism itself for a small and poor country like Nepal and its repercussion on the nationhood, which has hitherto been strongly unified as a multi-ethnic wholesome. Many hold the view that after annexation of Sikkim and political castration of Bhutan,

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Nepal is being bashed upon for not agreeing to hegemonic designs, against which China has always come to stand as a rescuer.

As a natural corollary, therefore, the main cause may be attributed to India's indignation on Nepal's growing proximity with China and its assumed perception and propaganda of China's threat. There is a strong view among observers that India's series of blockades over Nepal in 1962, 1970, 1989 and even the present one, were and, is somehow connected with the cause of Nepal's acts of amelioration of its relationship with China.

India does not seem to have been able to shed away its fear psychosis of 1962 border war with China, in spite of various progressive normalization process and important understandings, including on matters of border wrangling, and improvement of relations in the sphere of trade and socio-cultural interactions and 'Modi-Xi' overtures for bilateral collaborations and avowed partnership for regional cooperation and development.

Nepal, as a next door neighbor of China, accustomed to habitual experience of peaceful Chinese behaviors throughout and, in view of the emphasis of new Chinese government on 'Neighbours-First' policy and its commitment on peaceful development of the region, in both words and deeds, views that India may not need to be so hysteric about China's increasing cooperation with Nepal and other South-Asian countries pursued in consonance to its traditional relationship with them.

China's miraculous economic growth has already made it second largest economic global power superseding Japan and its potential of superseding the US as the major global economic power by the year 2021, or even earlier, as per the forecast, seems not only inevitable but imminent. The 21st century, which is said to that of 'Asia', is likely to be predominated by Chinese avant-garde superiority. Present trend indicates that this may be a natural evolving phenomenon of the forthcoming political scenario not only of Asia but also in the overall global context, and if the trend continues in China's favour for long, the world markets will be over flooded by everything called Chinese or China-Make in a sonamic scale. Choice then will not be how to check or obstruct or avoid, but how to adjust to, acclimatize with and benefit from superseding Chinese growth, which is said to continue to remain at around 8% per annum for another 12 to 15 years to come, which will make china cumulatively more prosperous.

In consideration of the ground reality and Nepal's own geo-political necessity and its bountiful and constant cooperation and support by China to its security and development, Nepal should perseverantly concentrate its efforts on amelioration of its relation of amity and cooperation with China in a more concrete and meaningful form and dimension. A prosperous and strong China is in the interest and to the advantage of Nepal. It is more than certain that, in view of speedily changing regional political scenario, extensive connectivity in both physical forms of highways, railroads and airways as well as cooperative links in the broader forms of socio-cultural and economic collaborations between Nepal and China are going to be natural order and state of affairs of the days in a few years of time to come.

Present crisis has led us to realize our past mistake for having taken our dependency on one single country at ease and in complete faith, and in our urgent need of diversification of sources of our daily necessities and national requirements, China has been proved to be an alternative source as well as a viable transit route for our external trade. The

efforts made by present Nepalese government, especially during the recent visit of Deputy Prime Minister and Foreign Minister Mr. Kamal Thapa to China, are positive indications of progress made towards this. Eight points understanding that have been reached at, between DPM Kamal Thapa and Chinese Foreign Minister Wang Yi, during the visit should be accomplished at the earliest by entering into concrete agreements without losing much time. It may be further hoped that the exchange of high level visits as envisaged in the Understandings, including that of the Prime Minister K. P. Sharma Oli to China, could take place at the earliest. The prospect of long awaited visit of Chinese President, pending for long, which now seems to be in the offing, could also be materialized soon to the mutual benefit of the two friendly neighbours and their people.

President Xi Jinping, welcoming then President Ram Baran Yadav, in BOAO annual conference in Hainan, China in March 2015, is in record of having said, "China is willing to be Nepal's good friend of mutual respect and mutual support, good partner of common development and prosperity and good neighbour of mutual assistance in security", adding that "China will continue to support Nepal's efforts in safeguarding independence, sovereignty and territorial integrity". He has also suggested that "two countries should strengthen cooperation in traffic interconnectivities, infrastructure and hydro-power development, modernization of agriculture, science and technology".

It is expected that the high level visits, especially that of the President of China, will pave the way for mutual cooperation and collaborations on concrete areas of vital interest for long term benefit of the two countries. It is hoped that Nepal will make needful preparations to ensure optimum beneficial outcome of the visit. It may also be advisable for the government, to sort out, well before the visit, the shortcomings apparent in timely execution of Chinese aided projects e.g. ring-road expansion and other projects, for fault of ours or external factors, which remain as painful as eye sores.

President Xi Jinping, who is considered as one of the three most powerful leaders in the history of political hierarchy of modern China, after Chairman Mao and Paramount leader Deng Xiaoping, pivoting the nation with ambitious and heavy responsibility of rejuvenating the "Chinese Dream" and building China as a prosperous, democratic, culturally advanced, harmonious and modern society, deserves our full support and best wishes for his success.

The crux of the matter is that for Nepal, China and India are two inseparable neighbours, both of which have deep-rooted ancient traditional socio-cultural and religions bondage with Nepal. This leads us to surmise that our destiny is tied-up and our choice is limited to remain united, cooperate with one another and work together in unison for the wellbeing and the common benefits of our people, our region and the world at large.

We should always be conscious of our right of peaceful existence and development and should preserve to spread out our wings of liberty without subjugating ourselves to outside pressure and control.

Governance, Constitution Making and International Relations

*Jibgar Joshi**

Introduction

For the purpose of this paper, the word "governance" is used to mean how the Nepali society as a whole and the people at large are being governed and served by the players of governance. The paper aims to relate it with constitution, rebuilding and international relations in the context of availing essential needs of the people. The recent developments are marked by the influence of governance where the key players have tried to define and manipulate it in the pursuit of their interests. The distinctive feature of the governance in contemporary Nepal is that the government along with other political players are trying to distort the market economy. Black market is being encouraged through government consumption with increasing corruption making the access to essential goods more inequitable. Leaders are not prepared for the implementation of the new constitution and elections thereto. Whether it be rebuilding after quake or the supply of limited goods due to transit problems at the Indian border, they looked for opportunities to enhance their role and the consequence was disastrous. Their perspectives have been related to generate fund for meeting the cost of governance and different levels of imminent elections. Credibility is lost in maintaining international relations. Even the friendly nations are not commiserative enough to the sufferings of the people of Nepal.

What Made Governance Ineffective?

The year 2015 turned out to be not only disastrous but also remarkable with achievements as well as governance failure. Leaders saw the need for complying with democratic culture and the concept of decentralization embodied in the new constitution as something threatening. The cost of governance is increasing which made them hesitant in agreeing to a new constitution with many provinces. Due to inter-party competition for gold and glory, they tried to see their own position and looked for ways of appropriating the necessary funds. The guiding principle of federalism is distorted and the number of provinces became the issue as that is, according to their perception and modus operandi, linked with huge cost of governance. The idea of federalism is to unlock the potentials of

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different areal units of the country by allowing them to work with autonomy. Instead of developing synergy among the regions and unleashing their development potentials, the issue focused on raising conflicts and dividing the limited resources just to increase the cost of governing. We need federal states so that they will be less control of the centre in their attempts to develop their own resources by unlocking their potentials. Since the people have become so empowered that further centralization will be increasingly difficult. Leaders failed to understand this; but they were troubled pondering how to bear the cost of governance which they thought will increase with the new constitution. The overhead costs of running the government has been increasing in leaps and bound for some years and the implementation of the new constitution will incur much more cost if they opted to continue with this trend of governance. This has made the governance ineffective.

Consequences

The government (excluding the Army) was too slow to respond to the immediate consequence of the April 25 Earthquake. It was the earthquake of May 12 that the key leaders found themselves trapped in inaction, a situation quite threatening to all of them. The process of constitution writing in Nepal thus got momentum in the wake of earthquakes. The government played its traditional role of controlling development more vigorously for establishing its effectiveness and tried to centralize all the more. Sincere relief efforts were discouraged due to rules and regulations imposed. The immense power of the government in manipulating the governance that we observed during this time of national emergency and crisis is due to the power of political parties to defy law including the Constitution and use the public resources in pursuing their own benefits and make false propaganda. They are also reported to have resorted to corruptive activities and apparently are immune to any sort of action by the State. They left no stone unturned in trying to legitimize whatever they have been doing. This extended to international arena as well. Donors were not integrated and harmonized into the rebuilding process, and conflicts in the Madhes became an issue of security and integration. The concern centred on the supply of goods. They are now trying to pursue the people to believe that federal system is not good for Nepal. India who helped us during the time of earthquake will rethink its relationship with Nepal. The prerogative of the leaders to delay action is the greatest weakness that will make constitution ineffective. Immediate action is needed for making impacts of the good intentions. Sadly, the government is becoming more ritualistic, less welfare-oriented and more centralized on partisan lines.

Corrective Measures

There is no denial that we need a strong government but for this, governance should not be detached from the people. Nor should it be made more expensive at the cost of public good. Development efforts should not perpetuate bad governance but allow the economy and communities sustain their resilience. That the Nepali society along with its business community showed the coping potential for sustainability on its own, the new constitution should help planning for good governance in a strategic sense limiting the possibility of excessive control of the government and promoting desirable initiatives towards the necessary changes. Good governance requires that the government rely on the process of interest articulation. International relations can be strengthened only when there are reciprocal relationships. Nepal should contribute to peace and security as well as global environment.

The new constitution should urge the articulation of interests and for any action, consultations, partnership formation, working together and inclusive decisions ought to be more frequent. This will make even a relatively weaker constitution work and evidence-based changes will get incorporated in the subsequent revisions of the constitution.

Conclusion

The recent Earthquakes with the exposure of our limitations in terms of good governance along with inertia that we showed in initiating the necessary changes have made it clear that there are lots of interests that deter any sort of planning towards good governance and initiatives for change. Constitution is not an end in itself, but is the fundamental law of the land that should help to create conducive environment for good governance and facilitate changes required for the transformation of the lives of the Nepalese people. The political players presented it too seriously and instigated the people towards anarchy and violence just for their own benefits. They allow things to worsen and intervene only when they can and only when there is their own interest. They manipulate the course of action to serve their interest. Constitution will have no meaning if all are not allowed to participate in the process of interest articulation. They used the people for making amendments to the constitution to their liking and when they did not see their interests being served they used power to suppress the popular activities. They encouraged disjointed and fragmented decisions within the government and got the freedom to speak as an activist even being inside the government which made Nepal weak in the international arena as well. While the cost of governance is increasing at an alarming rate and will increase still more with the addition of the federal structure, the system allows for participation and creates a mesh of desirable things and in choosing between there will not be enough time for the articulation of interests which leads to more costs of implementation. There is unfair competition between the private good and the public good; and the public good suffered all the more.

All these led to make governance worse and it has implications such as inefficiency in the rebuilding process, problem of demonstrating the inclusive nature of the new constitution as well as deteriorating condition of Nepal's international relations. The solution lies in understanding that leaders instead of making governing a profit-making business, should work for the development of their constituencies by unlocking their potentials. They should learn to seek their identity through dedicated work for the welfare of the people and enhance the public good. They should stop meddling with international relations out of protocol, projecting a bad image of Nepal. Because Nepal has been contributing to international peace and prosperity, she is qualified for international support and not otherwise. Being the part of the governance, whether in the government or not, they should not impair the image of Nepal.

Temples as Traffic Police

*Om Ratna Tamrakar**

Introduction

Nepal is a landlocked country situated between two countries India and China. Nepal is mountainous country having hilly Terai regions. It has world Top Mountain Sagarmatha (Mount Everest) and is the birth place of Lord Siddhartha Gautam Buddha.

Nepal has a number of temples and stupas that are important pilgrimage sites for Buddhists and Hindus not only for Nepal but all over the world. Some of these sites such as Lumbini-birthplace of Buddha in the Terai, Pashupatinath, Swoyambhu stupa and Boudhnath in the Kathmandu Valley are included in UNESCO's World Heritage of Mankind List. The temple of Muktinath situated in Trans Himalayan area of Nepal attracts a large number of pilgrims from Nepal and India. It is situated along the famous Annapurna Circuit Trekking Route that has been called one of the famous walks in the world. There are also a number of other sites not so well known outside Nepal visited by a large number of faithful such as Changunarayan, Budhanilkantha and Namobudha. Many of these attract pilgrims on specific occasions such as Buddha's Birthday or Shivaratri

"The Valley of Kathmandu consists of as many temples as there are houses and idols as there men." – Kirkpatrick

The Nepalese people have been religious minded and spiritual oriented since time immemorial. They have religious tolerance and communal harmony among themselves. Religious syncretism has been the special characteristics from generation to generation. Nepal being a religious Country has few important places of pilgrimage such as Janakpur – the birthplace of Sita, Lumbini – the birthplace of Lord Gautam Buddha, Light of Asia, Muktinath- the Lord of Liberations, abode of Pashupatinath – the Lord of Animals and living place of eternal Kumari, the Living Goddess.

There are many ancient, artistic and religious temples in Nepal. Every year hundreds of pilgrims from neighbors' country India/ other countries will visit the important religions and pious places of prayers such as Pashupatinath temple, Swoyambhunath Stupa and Boudhnath Stupa in the Kathmandu Valley.

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Besides above said temples, stupas and monuments there are so many temples everywhere on the road within Kathmandu Valley. These temples and monuments stand as a traffic police of that place. Because, as per our traditional religious who believes to the God and Goddess, will take a round of the temples on the road. People will walk from left to right side of the temple within the Road. We may call it as a Traffic Police for Permanent Traffic of certain place. It may protect or save us from the accident which may occur at any time. One of the tourists to Nepal, long time ago, has been called our Nepal as "a home of Gods and land of festivals". The authenticity of this remark can be judged from the scores of ideals of various Gods and Goddesses to be found in this land. For instance, if we walk ahead from Bishnumati Bridge made of wooden. We have to cross Bishnumati Link Road to go to Swoyambhu Stupa, First of all, we see Dallu Chautara (Fountain) where the temple of Ganesh is situated, We have to turn from left side of this temple to go ahead walking five minutes ,will meet a temple which has a god called Ganesh and Saraswoti. If we walk from left side of this temple, may protect from an accident which may occur. Eight minutes of walking from here, we will see the temples at left side and right side of the road. We may turn the left side of these temples, will save from accidents. After three minutes of walking, we will reach to the bottom of Swoyambhu Stupa. We have to walk up through stone stairs to reach to the top of the hill to see Swoyambhu Stupa,

We will see a big Stupa at the top of the Swoyambhu Hill. On the Swoyambhu Stupa there are different types of idols of Buddha around here. In front of this Stupa, there is a temple of Ajima goddess. Different religious people come here to worship this temple every day. On every Saturday, visitors will come more pilgrimage than usual to worship Ajima. We will see a temple of Shantipur i.e. Temple of Peace when we take around. People come to visit and worship this temple for the peace of mind for self and their family members. We will see a Big Buddha Temple on the left side of Swoyambhu Stupa . In this temple, the priest is Lama Buddhist. This temple is called Gumbba of Buddha. People will come to worship this Buddha every day. While we step for coming back from the Stupa complex, we can see an Inn on the left side where the different types of Buddhist songs will sing by different people. Before we step to go down, see a big Mandala at the bottom of Swoyambhu Stupa. Every people worship this Mandala for Peace, Prosperity and every success of their life. After coming back from Swoyambhu Stupa, we will see a small stone temple of Manju Shree who is the founder of this Stupa. In front of this temple, there is one pair of stone feet. It is known as Bhagwan Pau in Nepali language and Bhagwanya Pali in Nepal Bhasa (Newari) . Bhagwan means God and Pau means feet of Manju Shree god and Bhagwanya means god's as per ancient speak. People worship these small temple and Pau of Manjushree every day. In front of Swoyambhu Stupa, there is a Pipal tree Temple and we walk left side of this tree temple, may save from the accident which may occur at anytime. Thus, we may save from the accident on the help of different types of temples if we walk just left turn of the temples of the roads. The valley of Kathmandu is itself a full of images of hundreds of Buddhists and Hindus divinities. So, this valley presents the beautiful picture of different religious and sects. Thus, Nepal has become a decent destination for pilgrimage tourism with her large number of Hindus' and Buddhists' pilgrimage sites, shrines, temples and monuments; these are valuable and vibrant assets of this Himalayan Kingdom of the World. They have contributed significantly in the development of the Pilgrimage Tourism as well as Domestic Tourism.

Nepal is a marvelous, mystic and mysterious meeting place of many Gods and Goddesses. These may unfold a colorful picture of human verve and joy of the immensely religious

minded people of this lovely land. The attitude of the Nepalese people a large displays a unique spirit of mutual trust and tolerance towards different religious. The age old interaction between the Hindus and Buddhists prevent and produce a beautiful balance in which gods lose their sectarian character. There is a sweet synthesis of different religions. There is a religious harmony between the Hindus and the Buddhists which has been existed from time immemorial, A Hindu devotee goes to Swoyambhu Stupa and Boudha Stupa as well as a true Buddhist goes to Pashupatinath to pay homage irrespective of his or her religious faith. Thus our country's strength has been expressed through its cultural solidarity and religious bond since the creation of this universe. Though Nepal is declared as a secular country since 2063 B.S. after the Janaandolan as it has many religious people like Hinduism, Buddhism, Islam, Christian, Jain, Kirat, Limbu and so on and so forth. So, there is colorful mixture of many religions in this country. There was no record of country violence. No one has started war against any religion in the long history of the country. Rakhi, Holi, Janai Poornima, Chhath Parba and Id have been the best examples of this religious tolerance and communal harmony in which Buddhists, Hindus and Muslims mingle merrily and celebrate those festivals in peaceful atmosphere. These festivals are closely and culturally connected with diverse gods and goddesses in whose honor they are celebrated and performed in honor of gods and goddesses on such days, consecrated for them by age old tradition.

Our forefather undertook many adventurous tours and treks to complete their long cherished desire of visiting religious temples and places of pilgrimage in the past. There was no good transportation system in these days. So, some of them were compelled to die in course of their religious entourage. Now-a-days there is good transportation system everywhere in our country as well as in the world. So, religious minded people can go to their favorite places of pilgrimage to fulfill their log cherished device in time. The Nepalese people are very religious minded and used to go to many holy places of the pilgrimage not only of remote areas of their own country but also many famous holy places of the world. It is also believed that Nepalese pilgrims might have Varanasi in U.P, Bodh Gaya in Bihar, Ayodhya in Uttar Pradesh and most popular and pious places like Kedarnath, Boudhanath, Dwrikanath and Jagannath to pay homage of holy places during ancient and medieval periods. Nepalese people and members of Royal family might be very rich and religious minded who have had religious motive and motto. History of Nepal says that king Siddhi Nara Singh Malla who turned out to be mendicant visited Kalli and many other religiously important places if pilgrimage of the way within neighboring country, India. King Bhupatendra Malla was sad demise at the age of 21 while he was on religious tour of Tithayatra, India. The Malla Kings were so religious minded and they have been built many famous temples of gods like those of Dwarikanath, Kedarnath and Rameshwaram, Jagannath, Baidhyanath and others either nearby their respective capitals. In Modern terminology there religious tours and treks are called Pilgrimage tourism. There are many tourism places of pilgrimage in Nepal.

First and foremost popular places of pilgrimage in Kathmandu are the temple of Swoyambhu Stupa which is situated at the hillside of Kathmandu city at a distance of two miles where millions of people as Domestic and International Tourists will come and pay homage to Lord Siddhartha Gautam on the auspicious occasion of birth anniversary of Buddha. On the same day birth anniversary program will be celebrated at Lumbini the birth place of Lord Siddhartha Gautam Buddha every year. Last year 2558th birth anniversary was organized at Kathmandu and Lumbini (Kapilvastu) Nepal on Baishakh 31, 2071(May 14, 2014) Wednesday with Grand celebration. This day is called 'Buddha Jayanti' or 'Baishakh Poornima' or 'Swanya Punhi'.

Another most popular place of pilgrimage in Kathmandu is the temple of Pashupatinath where millions of people come and pay homage to the Lord on the auspicious occasion of Shivaratri (Shiva's night). The temple of Lord of the animals is situated on the western bank of the holy river Bagmati. It is believed that Lord Shiva ascended from his heavenly abode Kailash to this earth as it was perfect and peaceful for making holiday. Shiva chose the Bankali area where there was peace for penance and believed that before 1500 years ago the worship of Pashupatinath has been going on here in Kathmandu. There was a Shiva temple which was at least as far as back 879 A.D. The present day temple has a two-tiered gold plated roof, silver doors and fine quality wood carving on its pagoda construction.

The next important place of pilgrimage is Guheshwari dedicated to Goddess Kali. It is believed that when Lord Shiva was carrying away the body of Parvati (Sati) on his shoulder after she burnt herself to death, her yoni (virgin), the female sexual symbol fell here. Hence, this place is considered a place of worship or pilgrimage. It is also situated on the bank of the river Bagmati, nearby the famous Pashupatinath temple. King Pratap Malla made here Jagannath Temple. The idols of Krishna, Subhadra and Balaram are installed on the inner wall facing east. There are four Jagannath Temples in Kathmandu i.e. one in the Hanuman Dhoka Palace Square, next at Makhantole, the third one at Teku and fourth one is beside the central Jail, Lalitpur. Nepalese people pay homage to Jagannath who is considered as the lord of this world. Besides above other famous temples and Durbar square are as follows:

- Kathmandu Durbar Square – Kathmandu
- Boudhanath Stupa – Boudha
- Dakshinkali Temple – South of Kathmandu
- Shova Bhagwati – Bank of the river Vishnumati
- Mahankalasthan – western side of historical Tundikhel
- Banglamukhi Temple – North of Lalitpur
- Palanchowk Bhagwati – North of mountain of Panchkhaal
- Gosaikund – altitude of 14,300 feet (4,360 meters)
- Dolakha Bhimsen Temple – eastern upper part of Dolakha
- Manakamana Temple – Gorkha District
- Janaki Temple – Centre of Janakpur
- Rama Temple – Makawanpur
- Dhanusha Temple - Janakpur
- Jaleswar Temple – Mahottary District
- Krishna Temple – Lalitpur
- Gadhimai Temple – Bara District
- Chhinamasta Temple- Sunsari

These gods and goddess do not sit idle in their respective temples, but they will provide us inspiration faith and patience who worship them regularly, and they are very active and positive for their true worshippers.

Conclusion

Temples and monuments of our country may help us show the attractions among domestic and international tourists, to protect us from an incident and to build up images among the people who travel to these temples and monuments.

Relevance of International Investment Law to Nepal

*Rudra Sharma**

The book "International Investment Law; Reconciling Policy and Principles" written by Surya P. Subedi, Professor at the University of Leeds, United Kingdom released amidst a group of scholars of Council of World Affairs, is a worth reading for all. The book was published in 2012 in English language by Hart Publication, Oxford. Later, the book was translated into Chinese language by a renowned Chinese professor. As it is known, the author Professor Subedi has spent years in Washington DC, United States of America while preparing the book. The book includes British, American and Chinese dimension of international investment law. The book connects there all dimensions to Nepal. As the book is written by a Nepali professor, it is relevant for Nepal.

The book is highly technical one and only the person of related field can enjoy reading it. I enjoyed it as I teach the same course to the LL.M students of Tribhuvan University. The book delves around two principles of international law. Calvo doctrine and Hull formula. Calvo doctrine requires aliens to submit disputes arising in a country (host country) to that country's court. It may pave a way for expropriation of property of foreign investors. Hull formula provides a narrow scope of expropriation and argues that investment disputes can be settled beyond national courts. In this book, the author envisions a marriage between public international law and private international law. However, the union of marriage is yet to take a shape. The author tries to find some space in public international law for the matters which are traditionally within the ambit of private international law. This is what seems to be a marriage between public international law and private international law.

In nutshell, the book can be summarized into one sentence –global investment treaty and a global mechanism for dispute settlement. However, the author presents details about the international efforts to put in place these two matters regarding how they evolved and how they took a shape. Efforts are made under the United Nations like UN Resolution about permanent sovereignty about natural resources, OECD guidelines, International Labor Organization Guidelines, Global Compact, UN Human Rights Council so on and so forth. The author also mentions in detail how the global investment treaties and global dispute settlement mechanisms evolved under customary international law. The scenarios of bilateral investment treaties, Regional Investment Treaties, Free Trade Agreements are well mentioned. The concepts of most favored nation, national treatment, standard of protection of investment under customary international law are also mentioned. Besides,

* Mr. Sharma, a NCWA Member, Commented on the Book During the Interaction Held on November 29, 2015.

the styles of expropriation, including creeping expropriation of the investment are also not excluded to mention.

The chapter about protection of foreign investment through Bilateral Investment Treaties is probably the most relevant to Nepal as the Bilateral Investment Protection and Promotion Agreement (BIPPA) between Nepal and India has been most controversial and Nepal is also mulling other BIPPAs with other countries, including China. The author mentions basic elements of BIPPAs. They are as follows – definition, admission of foreign investment, form and equitable treatment, compensation in the event of expropriation and settlement of investment disputes. It is worth mentioning the that probably most important statement about the bilateral investment treaties (BITs) in the book the that need of BIT is a 'vote of no confidence' by the home country upon the host country. If the home country (the country from where the investment comes) is satisfied with the system of the host country (where the investment is made), there will not be any need of BITs. The Calvo doctrine well works here. Generally, BITs provide for prompt, adequate and effective mechanism for compensation in case of expropriation of the investment. However, the parties to the BITs may deviate on it depending upon the mutual level of confidence. For example, the BIT between United Kingdom and India provide for "fair and equitable" compensation instead of prompt, adequate and effective compensation. The BITs between US- Australia, India-Britain are some of the examples.

The author also delves on jurisprudence and how court and tribunals have contributed for the development of international law on this matter. He mentions about the outcome of the jurisprudence, including the definition of expropriation, right to expropriate, direct and indirect expropriation. The jurisprudence has been developed to create a pro-investment environment. However, there are still gaps in mindset. The investment may be vulnerable if appropriate mechanism is not introduced.

The book is good, high standard and has global perspective. However, there are some rooms that can be recommended for improvement of the book in future. The author has paid less attention to the World Trade Organization (WTO) despite the huge contribution of the WTO in the sector of dispute settlement. The WTO has settled over 500 cases since its establishment in 1995 and the WTO mechanism has been proved to be very effective. The author has argued somewhere in the book that the WTO's institutional capacity may not be capable enough to fit in to the flood of the cases in the sector of private international law. But, the author really wants to see a marriage between the public international law and private international law at this point, and WTO is the right forum. If the system is okay, the institutional capacity can be increased. Even national chapters can be opened the national chapters of International Chamber of Commerce.

One more thing to recommend is about money laundering. A book of such standard covering the matter about international investment law should cover some global standards on money laundering too. It seems that the author was working to prepare this book sometime before 2007 while the WTO's Doha Development Agenda was in high question and the regime of money laundering was not so prominent like that of today. It would be nice if the matters would be included in next edition of the book.

It is again a matter of pleasure that a book of such a global standard has been written by a Nepali professor practicing in United Kingdom. It helps to connect Nepali issues related to international investment to the British, American, and Chinese as well as international dimensions.

Principles and Practices: Tragedy in Politics

*Rajeev Kunwar**

Transitional politics in Nepal is never-ending as this phenomenon is changing its contours and directions. There is constant reminder and signals in everyday politics towards consolidating overarching principles, norms and values of democracy. It has always been in contestations in this part of the world. Liberalism, socialism and marxism are constantly jockeying our political space. An emphasis on ideology based on these principles is difficult to realize and concretize due to pluralism and complex ingredients in the society which is not necessarily uniform and homogeneous.

When society is in constant flux of new trends and transformations influenced by Information and Communication Technology, there has been wide schism between the individual and society. Individual as social unit is fluid which exhibit perpetual resentment against the authority and our social-state nexus crumbles down as indiscipline enters in vein of governance.

It is now very difficult to maintain a balance of internal legitimacy and external policy influences. Taming the Nepalese state under the matrix of international society is exacting and exhaustive with inactivity of only reactive public officials. Unless we are trying to excel in political vocation and ever ready to accept change with dynamism in the functioning of the system, Nepal will experience discrepancies in realizing political behavior and peace politics.

There is a widening rift between principles and practices when entitling freedom alone has become inadequate in transforming the lives of the people. In Asia there is a general uncommon perception that democracy with soft authoritarianism must prevail as there is no foolproof to democratic blueprint. Additionally, there is uncertainty to ensure bettering in peace metrics, happiness index and prosperity indices at global rankings.

The question of availability of amenities and resources enriching human and social capital has to be examined and addressed. Otherwise, why individualization can be fostered on with simultaneous stress on the welfare of body politics. Individualization is the process of liberal democracy. There is a contention that grooming individualization at the expense of few ignoring the larger interests of others put our society in peril.

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Transparency, accountability and integrity are principles we fight for, regardless of geographical limitations. Universal principles, norms and values have been undeterred and its outreach expands into sphere of democratic influence. Good Governance is what we espouse in our constant momentum to consolidate freedom and democracy in Nepal. Our knack in the pursuit of peace, happiness and prosperity are always endangered if we do not persistently and consistently in a sustained manner approach democratic credentials and credibility.

As long as we do support pillars of peace and democracy, and we ceaselessly fight against injustice and inequities, we are distant in achieving our ideals and we will be derailing long chequered journey of our democracy. Nepal is a country that boasts liberal peace and democratic sentiments. But how to preserve, maintain and achieve our ethos is a great challenge on this backdrop of a steamrolling of society by liberalization, privatization and globalization.

Movements and migrations across the world for better jobs and pay as well as expansion of classifications in ideologies, we are bound to see how fragile and brittle our social landscape and nation-state building within the confines of geography of the Himalayas.

What vision we hold and what mission we undertake, the basics of progressive or forward change is necessary to be in sync with global momentum and acceleration. Otherwise history will never excuse us in our travails of democracy. Why we defend this political thought if we hesitate to essay for its traction in young soil of the Himalayas.

The resounding victories in this country of democracy through regular elections echo the southern plains and in the region and beyond. Today at this critical turning point of the Second Millennium, Nepal, a country where meeting of ideas and encountering of world powers, is creating riddle for politicians and is confusing to alert citizens.

Time is ripened that political system has to be re-imagined as the erstwhile environ and political culture helps us no more. The more we delay through the extension of social and psychological repression, paranoia is severe. The more we focus on our principles and redouble translating it into practice which obviously becomes intractable if we pay only lip-service.

Good that change comes with a price and they say that eternal vigilance we all should possess to enliven democratic set-up and other inter-allied settings. You want obese state or swift, smart and lean governmental organization and agencies. What we aspire is determined by how we perspire. Then we must inspire posterity that energy and synergy is needed and not lethargy and unstoppable pleasure all at the expense of national losses and valuable time and resources.

If the current generation does not sacrifice for better living conditions then to whom we are going to entrust responsibility and power. How long we wait for leadership in each and every sector and level. If the state has invested on human capital in Nepal why the country is in battered and beleaguered situation. With the changing time we lost, what our virtues and merits are, in whatever state of affairs.

We lost our dignity and we lost our charm to appeal the world. We lost what we have and when we will rejuvenate the mountain people and who is going to intervene for us from a perpetual fear of human insecurity and bad governance. How will we groom competence and skill required for leadership and where in the country or where in the world.

Who has solutions to remedy the current failures and pitfalls? Why we are always at trials and tribulations when we do not learn from after repeated failures and political tremors and aftershocks. Who is going to manage the whole affairs and who is bound to lead with pragmatism, prudence and foresight? It is impatience, restlessness and accumulating grudges that government is not governing well in sound and robust manner among citizens which culminates in corruption and all ills of a failed state.

Principles and practices in statecraft have not been narrowed down after the advent of democracy in Nepal. What are the principal reasons behind this gap which is wreaking a great havoc in the psyche of governed due to mentality and ability of those who govern.

A hedonistic pursuit of political genomes and their sudden changes in the mindset due to whimsical and fancies have brought the whole principles along with the political system to such a disrepute, that commoners have mixed reaction whether their cherished freedom and quest for better living conditions are in danger. They are skeptical whether every political move would bring good to everyone.

Gandhi's termed such situation as a sin if we conduct politics without principles. In the 21st century there are apprehensions that bickering and quarrels in politics are beneficial or positive. Many perceive that there should be pacifying and soothing measures to uplift human conditions. But they failed to acknowledge that politics is always struggle of power and the arc of triumph belongs to the people of every political specter.

In this regard, consensual documents like the Constitution of Nepal 2072 B.S. wherein there is a compromise of politics of every hue and cry can claim a legitimate political space. A victory of one's own principle is tested and purified in regular elections. Such political activity sharpens the political logic and public reasoning enriching democracy, peace and justice in the country.

A bleak scenario in these current affairs of the country does not portend good omen for us. There is no delineation of clean and neat ideological stance of established principles and there is no constant desire to pursue one's own public policy. The most interesting point of public policy based on liberal democratic principle with the tinge of socialism exists in the country.

There is unanimity that public policy is owned by politicians at the corridors of power and in the domain of unchanging mechanics of bureaucracy. If principles of liberal democracy are espoused and if they match the action in practice we would experience outcome as desired by the citizens. The poignant hint is to departure civic and public affairs management which requires action-oriented progressive leadership that always foresees change, as an eternal truth. An original tragedy in politics is not meeting principles with reality.

Tourism: Opportunities and Challenges for the Happiness of Disabled

*Dr. M. P. Yadav**

Introduction

The World Health Organization (WHO) has defined the terms 'impairment', 'Disability' and 'Handicap' in 1980 through the publication of the International Classification of Impairments, Disabilities and Handicaps (ICIDH), which is a manual of classification relating to the consequences of diseases. The ICIDH proposes the concepts and definitions of Impairment, Disability and Handicap, and discusses the relation between these dimensions. It is based on a linear model (Figure 1) implying progression from disease, impairment and disability to handicap.

Disease—> Impairment—> Disability—> Handicap

Figure 1: ICIDH Model (WHO 1980)

According to the ICIDH, impairment is any loss or abnormality of psychological, physiological or anatomical structure or functions, generally taken to be at organ level.

Impairment is damage to tissue due to disease or trauma. A person who has poor or no vision due to damage to retina or optic nerve may be said to have a visual impairment.

Disability has been defined as any restriction or lack of ability (resulting from an impairment) to perform an activity in the manner or within the range considered normal for a human being, generally taken to be at the level of the individual.

Disability denotes the consequences of impairment in terms of functional performance and activity by the individual.

A person who has an optic nerve or retinal damage would have limitations in performing those tasks that requires the use of eyesight.

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The ICIDH defines Handicap as a disadvantage for an individual, resulting from an impairment or disability that limits or prevents fulfillment of a role that is normal (depending on age, sex and social cultural factors) for that individual.

Illustrations

A handicap reflects the demands placed on the individual in a particular situation. An individual may indeed have a disability but may not have a handicap, except in certain situation. The person who has a visual impairment due to damage to optic nerve or retina is handicapped when it comes to reading for example, but is able to enjoy social conversation and music etc. like any other non-disabled person.

Suppose a person suffers from a burn on his forearm while working in the kitchen. If the burn is deep and the damage has percolated through the skin tissues to nerve, the functioning of the forearm may be affected. The person would suffer a disability in his/her hand due to the impairment caused by the burn. This means that he/she would have problem in working with that hand depending on the extent of damage.

However, the person would be able to perform all those activities which require the use of only one hand (e.g. brushing hair, eating, writing etc.). He / she would experience a handicap only while performing those tasks that require, the use of both hands, such as, cutting vegetables, buttoning shirts, driving a vehicle etc.

Another illustration could be that of a woman residing in a village in India. Let us assume that during the course of her daily chores she meets with an accident and hurts her knees. The woman neglects the wound due to her preoccupation with household duties. This untreated wound becomes infected and gangrene sets ill. As an outcome the woman's legs are amputated. It must be clear to you that the infected wound (impairment) has led to loss of legs (disability). The woman, now, has artificial limbs, which help her in standing and walking. However, since she lives in a village, there are a number of tasks (e.g. cooking, cleaning grains) that she must accomplish while squatting down. Her limbs do not allow her to squat on the floor easily. In India it is socio-culturally expected of the woman to play the nurturer's role in the family. As such this woman must perform the above mentioned tasks, without any adaptations in the physical environment around her. Had this woman belonged to a different society (where a man is equally responsible for household duties) or to a city (where a kitchen has a work platform) she would be able to do her daily activities with little or no difficulties. However, in context of the community and the area that she belongs to, the woman's disability makes her handicapped in fulfilling the role that is normal for her.

Handicap refers to the restriction resulting from a disability. Often the restriction is not inevitable consequence, but is socially and environmentally imposed. A man in a wheelchair has a disability but is handicapped only when he needs to enter a building, which has steps but no ramps.

Tourism

Tourism is the industry which enables people to meet and mingle with the expectation of visualizing and exploring something new, unique and glorious for the human happiness. Duties and Responsibilities to be Accomplished by Tourism Industry For the practical

implementation of the social philosophy of inclusivism of persons with disabilities in all walks of life, several commercial centres and industries have to take due cognizance for the accomplishment of their social responsibilities.

Tourism industry is one of the vital and variegated trade, commerce and industries for social participation and practical inclusion of people without any discrimination whatsoever.

As the tourism industry has the responsibility to cater to the needs of other nondisabled individuals, so too, it must own the responsibility to cater to needs of the disabled persons, be it in the establishment of transport at the airports, railway stations or the recreation centres of various places of resorts.

Tourism is expected to render humongous opportunities for the human happiness of the physically and visually challenged persons albeit, this noble task is full of formidable challenges.

Physically and visually challenged persons due to certain impairments and limitations are at disadvantage of enjoying up to their optimum level the opportunities of visiting the tourist places for their human happiness, as the tourism industry seldom heeds to make essential arrangements to serve and suit the requirements of such persons.

Delving deep into the very perspicacity of perceptions of tourism and disability, it would elicit the fact that tourism is the industry which enables the human beings to enjoy the resorts meant for recreation, rather than casting the depressing and debilitating effect on them as has been the empirical truth and experiential fact in the case of disabled persons.

The physically and visually challenged people are differently abled and they can be enabled differently to enjoy and explore new things which would be very peculiar, unique and adoring to them for their human happiness if they are wrapped into glorious junctures at the places of resorts just by heeding a little more and providing special amenities to them for their easy accessibility and grasp.

Availability, affordability, accessibility, acceptability and adaptability of amenities and resources are to be taken into due considerations for the proper accommodation and inclusion of persons with physical and visual impairments associated with the seniors' market of tourism which is often referred to as world's largest growth industry.

Barrier free and disabled friendly tourism is the expectation and demand of persons with disabilities and that is what the world tourism organization is expected to accomplish.

Such people as those with disabilities should not be taken as mere liabilities but rather assets as they make humongous contributions to the economic growth of the tourism industry as is done by any other normal tourists.

Hindrances in tourism can be conscionably construed as under:-

- a) Socio-cultural hindrance
- b) Hindrance in transport
- c) Lack of information in accessible format at the resort

d) Congenial accommodation

e) Financial constraints

f) No availability of mobility equipments and personal care such as ramps, rails, wheelchairs, crutches, canes, walking sticks, Braille and auditory signals, orthopedic shoes, etc., personal care equipments like shower chairs, special commode, hoist, slings, well trained personal escorts, well trained guides at the resorts, trained staff in busses, trains, plains, paratransit taxis Etc..

Apart from the possible effects of aging, the number of people with reduced abilities is considered to be significant. One estimate is that there are about 500 million people with disabilities in the world today.

However, very few countries have made a census or survey study of this group. (Charlton 1998; Darcy 2003).

It is interesting to note that countries with the highest rates of disability are also countries that have already recognized barrier-free tourism as an important market segment. This includes North America, parts of Europe, Australia and New Zealand. One related issue that must also be considered is the extent to which domestic tourism is barrier-free for people with disabilities in their home country. If barrier-free domestic tourism is at an advanced level of development, this would provide a source for learning from experiences and best practices.

It has been deciphered that no country or area in Asi/ persons a and the Pacific has ever conducted or carried out any research into travel patterns or the scope of the travel market for barrier-free tourism that made experiences accessible to tourists with disabilities.

The citable research conducted and completed so far that we can refer to is in two Australian states, of which one report in 1998 focused on New South Wales (Darcy 1998).

Persons with disabilities have the same desire to travel as any other normal tourists (Woodside and Etzel 1980; Smith 1987; Darcy and Daruwalla 1999, Foggin 2001). However, while many tourists might experience barriers to tourism participation, it has been found that these barriers disproportionately affect people with disabilities (Smith 1987; Kennedy, Smith, and Austin 1991, Foggin 2001). Barriers can be defined as those impediments encountered while participating or attempting to participate in a tourism experience (McGuire 1984). This contrasts with the definition of constraints, which are factors that affect an individual's propensity to travel (pre trip) (McGuire 1984).

Smith (1987) and Kennedy, Smith and Austin (1991) evolved a framework for understanding and categorising the barriers facing people with disabilities undertaking leisure-related travel. These barriers were conceptualized barriers as intrinsic, environmental, and communication. Intrinsic barriers result from an individual's own levels of physical, cognitive or psychological functioning. These barriers may be directly related to an individual's specific disability, but they may also be due to a lack of knowledge about tourism opportunities, ineffective social skills, physical and psychological dependence upon caregivers, and skill/ challenge incongruities (Kennedy, Smith and Austin 1991). Environmental barriers are external to the individual with a disability and include attitudes towards people with disabilities, architecture, ecological features, transportation, economic elements, rules and regulations, and barriers of omission (Kennedy, Smith and Austin 1991). Communication

barriers result from the interactions of individuals and their social environments (Kennedy, Smith and Austin 1991). Little empirical research had been done to investigate these constraints and barriers in a tourism context until the 1990s.

Summing up

To sum up, it can be contended that tourism industry can cater for the human happiness of the disabled persons by duly providing opportunities and overcoming the formidable challenges in consultation with experienced disabled individuals and disability specific organizations.

EG. In the aforesaid direction, Archeological Survey of India (Asi.) has initiated some measures to “make Hampi, the world heritage sites, visually challenged tourists friendly.”

Mr. N. C. Prakash, the Deputy Superintendent and the Archeologist, Asi. Mini Circle, Hampi, communicated to The Hindu, “We have already put sign board giving description and details of monuments in Kannada, Hindi and English. In addition for the benefit of visually challenged tourists visiting Hampy we thought of installing separate sign boards, describing the monuments in Braille script, in a faced manner.” “Soon, the new boards in Braille will be installed in front of Mahanavamidibba, the Lotus Mahal, the Vittala Temple, Queen’s Bath and the Virupaksha Temple in the first phase.

Asi has succeeded in aforesaid endeavor as it consulted the Mysuru-based school for the visually challenged.

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"We Guide You Individually"

Humanities and Human Development

*J. Narayana Rao**

Study of Literature is a medium of expression and vision. It opens the secrets of nature and the universe. Learning literature lays the foundation of one's future and shapes the personality. The study of Humanities and development of literary talent is interlinked. Unlike fixed words and phrases in the study of science and technology the study of Humanities revolves over human behavior. Literature empowers people to understand everything the nature has given to the mankind. It helps to unfold the secrets of nature. Whatever one concentrates on any subject the literary talent in him makes him to excel in expression and putting it on paper

The subject of humanities is of diverse nature in character and content with multiple directions. It attracts different angles involving various human activities. Unlike specific subject like science, technology, History, medicine and economics which have got a defined area of purpose the study of Humanities does not have any such parameters. It absorbs all human angles into it and unfolds a vision of varied character.

Human Development is interlinked with a world free from wars and violence. The twentieth Century is century of wars and destruction. Major wars were fought. First World War, Second World War, Korean War, Vietnam War, Iraq War, Afghan War. Libyan War. Nuclear Weapons were used for the first time. Development of Science and Technology has reached new heights. Man has landed on the Moon and circled in Space around the earth. Societies got de-humanised, new destructive forces have emerged. Countries abandoning peaceful coexistence started hating each other. Natural resources are being wasted in large proportions. The life of future generation is being pushed into chaos.

Western culture is being integrated in every sphere of life everywhere. The study of Humanities cannot ignore these global developments. It cannot be immune from the issue of War and Peace, violence and non-violence, Disarmament and Development. UNO was established 70 years ago "to save succeeding generations from the scourge of war, which twice in our life times has brought untold sorrow to mankind and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom". But if an objective study is undertaken about what is

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happening during the past 70 years the “scourge of war” is a continuous phenomenon. The study of Humanities can only analyse the success and failure of the UNO and explores the way out to put it on the right track.

New hopes have been built up at the advent of Millennium Declaration and the Millennium Development Goals which have been adopted at the dawn of the New Millennium. The principles of UNO charter have been reiterated and New Development Goals have been initiated. Peace, Security and Disarmament have been put on the agenda. Development and eradication of poverty have been promised and human rights have been highlighted among other things.

But for achieving all these goals depends on putting an end to all wars and strive to establish peace in the world. But this has remained as a mirage. Nothing has been done to achieve peace, security and disarmament. Ever since the Millennium declaration has been announced, Iraq was invaded and the President Saddam Hussein was killed, Libya was invaded and the President was killed, Afghanistan was attacked and destroyed. Syria is in turmoil. All these are happening due to imperialist ambition of world domination by US and NATO. Rosa Luxemburg said that “The triumph of imperialism leads to the annihilation of civilization” which is being witnessed now

In the Security Policy Conference held at Munich held on February 10, 2007, Vladimir Putin President of Russia said that “The unipolar world that had been proposed after the cold war did not take place either. The history of humanity has gone through unipolar period and seen aspirations to world supremacy. And what hasn’t happened in the world history?. However, what is a unipolar world? However one might embellish this term, at the end of the day it refers to one type of situation, namely one centre of authority, one centre of force, one centre of decision making. It is world in which there is one master, one sovereign. And at the end of the day this is pernicious not only for all of those with in this system, but also for the sovereign itself because it destroys itself from within”. What Putin highlighted is the real global situation at present.

In this background studying of humanities is of paramount importance. Humanities deal with preservation of life, cultural values, spiritual values, human values and esthetic way of life. Science and technology studies may improve the material life at the cost of dignity of human values. Learning Humanities will lay the foundation to preserve life. Science has become instrumental in causing human miserly by inventing Weapons of Mass Destruction. While the study of science cannot be ignored, the study of Humanities should also be given equal importance.

Abolition of Nuclear Weapons is not taking place despite the Nuclear Non-proliferation Treaty and the five yearly review conferences since 1970. What will happen to the world and the humanity if what was done to Hiroshima and Nagasaki is now repeated in the World. It is total annihilation. There are near about 1000 Global Military Bases in all continents installed by mostly US. What for US is not threatened by any country? None of the countries bordering US is strong enough to threaten the security of US. These Military Bases are only to be used to attack other countries.

Plans for weaponisation of space have been unfurled by US in the document "Vision For 2020" released by the Pentagon in the year 1996. Space is being used for Human Development. We depend on space for Telecommunications, Weather Observation, Navigation, Banking etc. Even the Space Treaty and Moon Treaty of the UN are being ignored. Space Treaty forbids weaponisation of Space. Global Military Expenditure is growing and in 2014 it reached 1.75 Trillion US Dollars and the share of US alone is 40% of this. Even under developed countries are being tempted to spend more on defense at the cost of Health and Education. Discords and enmities are being encouraged to ensure that arms industries thrive. The top 10 western Arms Industries corner 80% of the arms exports. Missile Defenses are being deployed in Europe and Asia encircling Russia and China. Martin Luther King Jr. said that "A Nation that continues year after to spend more money on military defense than on programs of social uplift is approaching spiritual death". Terrorism is being encouraged to destabilize the Countries and regime changes. Terrorism of different varieties has become a curse for the human survival. This shows the importance of study of Humanities.

There are innumerable western intellectuals and Scholars are writing exposing the imperialist wars especially US and NATO. Some of them are Prof. Willium Blum, Prof (Late) Howard Zinn, Prof. Noam Chomsky, Prof. Nadine Gordimer, Prof. David Grew, Prof. Jams Petres, Prof. Michale Parenti, Dr. Paul Craig Roberts, Prof. John Bart Gerald, Prof. John Mc Murtry, Prof. William Engdahl and many others. Their writings are the greatest service to save the mankind from wars and exploitation which should inspire the writers of all countries and of all languages.

Annex - I

Activities of NCWA

The NCWA held its 67th Anniversary on February 18, 2015 (Falgun 6, 2072) at Kathmandu. On the occasion, the Chief Guest Rt. Hon'ble Prime Minister Mr. Sushil Koirala addressed the Council. Guests of Honour Hon'ble Finance Minister Dr. Ram Saran Mahat and Foreign Minister, Mr. Mahendra Bahadur Pandey spoke on Nepal's Foreign Policy. The function was inaugurated by the Chief Guest by lighting the traditional lamp. On the occasion, the Chief Guest released the Council's Annual Journal 2015. President of NCWA, Dr. Rajendra Bahadur Shrestha, gave introductory remarks, and the Secretary General, Prof. Dr. Shreedhar Gautam welcomed the guests. Vice President, Mr. Tej Prasad Gauchan gave a vote of thanks at the end.

The Council organized an interaction programme on the "Strategy for Proper Disaster Management Post Earthquake" on May 28, 2015, at the NCWA Hall. Speakers, Former Minister for Finance, Dr. Prakash Chandra Lohani, AIG, Armed Police Force, Dr. Krishna Kumar Tamang, and Sr. Structural Engineer, Mr. Hari Darshan Shrestha, expressed their views respectively on the subject.

The Council organized an interaction programme on the "Recent China-India Trade Promotion Agreement and Lipulekh" on June 18, 2015, at the NCWA Hall. Speakers, Border Management Specialist, Mr. Budhi Narayan Shrestha, Former Ambassador to PRC Mr. Rajeswar Acharya, Economist, Dr. Upendra Gautam, and Former Secretary and Research Specialist, Dr. Dwarika Nath Dhungel, spoke respectively on the topic.

The Council organized an interaction programme on the "Review on International Conference on Nepal's Reconstruction" on July 3, 2015, at the NCWA Hall. Speakers, Member, NPC, Nepal, Prof. Dr. Govinda Nepal, Former Vice Chairman, NPC, and Former Nepalese Ambassador to USA, Dr. Shankar Sharma, President of NCWA, Dr. Rajendra B. Shrestha, and Economic Journalist, Mr. Achyut Wagle, expresses their views respectively on the subject.

The Council organized a talk programme on the "Russian Foreign Policy and the Ufa Summit" on July 17, 2015, at the NCWA Hall. Chief Guest, Ambassador of Russia to Nepal H.E. Dr. Sergey V. Velichkin, highlighted the various aspects of relations between Nepal and Russia.

The Council organized an interaction programme on the "Draft Constitution of Nepal" on July 31, 2015, at the NCWA Seminar Hall. Speakers, Former Minister for Culture, Tourism and Civil Aviation, Mr. Pradeep Gyawali, Constitution Lawyer, Dr. Chandra Kanta Gyawali, Constitution Lawyer, Dr. Bhimarjun Acharya, respectively expressed their opinions. Hon'ble Member of the CA, Chitra Bahadur KC was the Chief Guest at the function.

NCWA organized a talk programme on “Nepal-Israel Relations” on August 20, 2015, at the NCWA Hall. Chief Guest, Parliament Member of Israel, H.E. Dr. Michael Oren, and Ambassador of Israel to Nepal H.E. Mr. Yaron Mayer, spoke on the subject respectively.

Annual General Meeting (AGM) of the Council was held on August 21, 2015 (Bhadra 4, 2072) at Kupondole. The meeting passed the annual budget and proposed a programme for the fiscal year 2015/2016. The Secretary General, Prof. Dr. Shreedhar Gautam, presented his annual report of 2071. The report was unanimously passed by the meeting. Similarly, the Treasurer, Mr. Prabhu Ray Yadav, presented financial statement and annual budget for the next Fiscal Year 2072/73. It approved auditor's report and financial report for the year 2014/2015 and appointed an auditor for the next fiscal year. The meeting passed a proposal to honour a Nepalese national for his/her significant contribution to promote Nepal's relation with our friendly countries. The meeting was chaired and adjourned by the President, Dr. Rajendra B. Shrestha with his concluding remarks.

NCWA organized a talk programme on the “JICA's Development Cooperation in Nepal and Future Perspective” on August 28, 2015, at the NCWA Hall. Chief Guest, Chief Representative, JICA, Nepal, Mr. Shimizu Tsutomu spoke on the topic.

The Council organized a talk programme on “Recent Trends of Nepal-Brazil Relations: Future Perspective” on September 23, 2015, at the NCWA Hall. Chief Guest, Ambassador of Brazil to Nepal, H.E. Ms. Maria Teresa Mesquita Pessoa spoke on the topic.

The Council organized an Interaction programme on "The New Constitution: Political Impasse and the Way Forward" on September 30, 2015, at the NCWA Hall. Speakers, Leader, UCPN (Maoist), Hon'ble Narayan Kaji Shrestha, Former Foreign Minister, Dr. Bhekh Bahadur Thapa, Leader of Nepali Congress, Hon'ble Mr. Arjun Narsingha KC, Member of Parliament, Hon'ble Mr. Jitendra Dev, respectively spoke on the occasion. Former Prime Minister of Nepal, Hon'ble Mr. Jhulanath Khanal was the Chief Guest at the function.

The Council organized an interaction programme on "Current political situation in Nepal." On November 29, 2015 at the NCWA. On the occasion “International Investment Law” a book written by Professor of International Law, Dr. Surya Prasad Subedi, was released by President of NCWA, Dr. Rajendra Bahadur Shrestha, The writer shared his experiences on the current situation of Nepal with the Audience. Water Resource Expert, Mr. Surya Nath Upadhyay, and Lawyer, Trade and Law, Mr. Rudra Sharma, commented on the book.

The Council organized a talk and Interaction programme on the “Recent Trends of Nepal-Israel on. Relations: Future Perspective” on January 5, 2016, at the NCWA Hall. Chief Guest Ambassador of Israel to Nepal, H.E. Mr. Yaron Mayer, spoke on the topic.

NCWA organized an Interaction programme on the “Review of Political and Economic Impasse after the Constitution: Way Forward” on January 5, 2016, at the NCWA Hall. President of NCWA, Dr. Rajendra Bahadur Shrestha spoke on the topic.

Annex - II

Activities in Pictures



Chief Guest, Rt. Hon'ble Prime Minister Sushil Koirala, Guests of honour Hon'ble Ram Saran Mahat, Hon'ble Mehendra B. Pandey are seen on the Occasion of the 67th Anniversary of NCWA on February 18, 2015

Chief Guest, Rt. Hon'ble Prime Minister Sushil Koirala Addressing the Council on the Occasion of the 67th Anniversary of NCWA on February 18, 2015



Ambassadors of South Korea, Sri Lanka, Pakistan, Among Others, are Seen in the Front Row on the Occasion of the 67th Anniversary of NCWA on February 18, 2015



Ambassador of Qatar, North Korea, Secretary General of the SAARC, Among Others, are Seen on the Occasion of the 67th Anniversary of NCWA on February 18, 2015

The Rt. Hon'ble Prime Minister Mr. Sushil Koirala Inaugurating the 67th Anniversary of NCWA by Lighting a Traditional Lamp on February 18, 2015



The Council President Dr. Rajendra Bahadur Shrestha Speaking on "Recent China India Trade Promotion Agreement and Lipulekh" on June 18, 2015



Participants in an Interaction Programme on "Recent China India Trade Promotion Agreement and Lipulekh" on June 18, 2015

The Speakers in an Intraction Programme on "Review on International Conference on Nepal's Reconstruction" on July 3, 2015



Participants in an Interaction Programme on "Review on International Conference on Nepal's Reconstruction" on July 3, 2015



Ambassador of Russian Federation to Nepal, H.E. Dr. Sergey V. Velichkin, in an Interaction Programme Held on July 17, 2015

Participants in an Interaction Programme on "Russian Foreign Policy and the UFA Summit" on July 17, 2015



Former Minister, Mr. Pradeep Gyawali, Delivering Speech on "Draft Constitution of Nepal", on July 31, 2015



Participants in an Interaction Programme on "Draft Constitution of Nepal" on July 31, 2015

Member of Knesset, Israel,
H.E. Dr. Michael Oren
and Ambassador of Israel
to Nepal, H.E. Mr. Yaron
Mayer, in a Round Table
Discussion on
August 20, 2015



Executive Committee Members Sitting on the Dias in the Annual General Meeting on August 21, 2015



Council Members
Participating in the Annual
General Meeting on
August 21, 2015

Chief Representative,
JICA, Nepal, Mr. Shimizu
Tsutomu, in an Interaction
Programme on
August 28, 2015



Participants in an
Interaction Programme
on "JICA's Development
Cooperation in Nepal and
Future Perspective" on
August 28, 2015



Ambassador of Brazil to Nepal, H.E. Ms. Maria Teresa Mesquita Pessoa, Giving Speech on September 23, 2015

Mr. Arjun Narshigha KC,
Mr. Jhalanath Khanal,
Dr. Rajendra B. Shrestha,
Dr. Bhekh Bahadur Thapa,
Mr. Narayan Kaji Shrestha,
Mr. Jitendra Narayan Dev,
and Prof. Dr. Shreedhar
Gautam are seen on the
Dias During an Interaction
Programme on
September 30, 2015



A Glimpse of Participants in an Interaction Programme on "The New Constitution: Political Impasse and the Way Forward" on September 30, 2015



Ambassador of Nepal to India, H.E. Mr. Deep Kumar Upadhyaya, Delivering Speech on "The New Constitution: Political Impasse and the Way Forward" on September 30, 2015

Professor of International Law, Prof. Dr. Surya Subedi, Delivering Speech on "International Investment Law" on November 29, 2015



A Glimpse of Participants in an Interaction Programme on "International Investment Law" on November 29, 2015



President of NCWA, Dr. Rajendra Bahadur Shrestha, Giving Speech on "Review of Political and Economic Impasse After the Constitution: Way Forward" on January 5, 2016

Ambassador of Israel to Nepal, H.E. Mr. Yaron Mayer, Delivering Speech on January 5, 2016



A Section of Participants in an Interaction Programme on "Recent Trends of Nepal-Israel Relations: Future Perspective" on January 5, 2016

Executive Committee

Executive Committee



Dr. Rajendra Bahadur Shrestha
President



Prof. Dr. Shreedhar Gautam
Secretary General



Dr. Chandra Kanta Gyawali
Secretary



Mr. Prabhu Ray Yadav
Treasurer



Mr. Ashim Thapa
Member



Mr. Bhuban Pathak
Member



Mrs. Bhushan Shrestha
Member



Mr. Rabindra Nath Bhattarai
Member

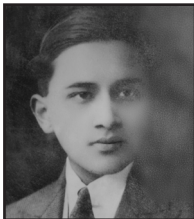


Prof. Dr. Uma Kant Silwal
Member



Mr. Umesh Bahadur Malla
Member

Past Presidents of NCWA



Maj. Gen. Bijaya SJB Rana



Mr. Narendramani A. Dixit



Dr. Siddhimani A Dixit



Mr. Subarna SJB Rana



Mr. Soorya Prasad Upadhyay



Prof. Rishikesh Shah



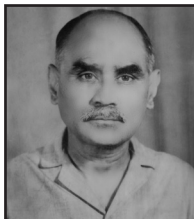
Mr. Kumar Das Shrestha



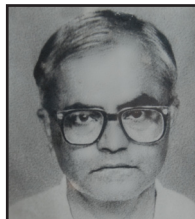
Dr. Bhekh B. Thapa



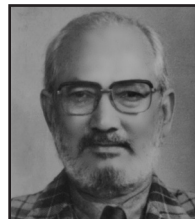
Prof. Surendra Bdr. Shrestha



Prof. Dr. Soorya L. Amatya



Prof. Dr. Lok Raj Baral



Prof. Bashudev C. Malla



Prof. Mohan P. Lohani



Mr. Birendra B. Shrestha



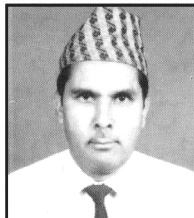
Mr. Sworga Man Singh Shrestha



Prof. Dr. Panna K. Amatya



Mr. Keshav R. Jha



Prof. Pradeep K. Khadka



Tika Jung Thapa