

Nepal Abroad

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Nepal Abroad

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'UN must tackle ... religious extremism, transnational crimes and gross HR violations": PM Dahal

New York September 27: During his speech at the 63rd United Nations General Assembly in New York on Friday September 26, 2008 Nepal's Prime Minister Pushpa K Dahal, recalled the 2006 Comprehensive Peace Agreement, and said Nepal had held elections to the Constituent Assembly in April this year. At its first meeting, that Assembly had declared Nepal a federal democratic republic, formally ending the 240-year-old monarchy, and creating an opportunity to transform the feudalistic State into a "new Nepal", in keeping with peoples' aspirations. His Government was committed to restoring law and order, providing immediate relief to conflict-affected people, fighting the "cancerous" growth of corruption, and starting a pro-poor economic recovery package.

Nepal's peace process was based on multi-party democracy,



UN Photo/Evan Schneider
UN's Secretary General Ban Ki-moon is seen with Prime Minister Puspha K Dahal at UN in New York, NY on Saturday September 27, 2008. (R) PM Dahal addresses the general debate of the 63rd session of the UN General Assembly on Friday September 26, 2008.

dialogue and recognition of the people as the ultimate arbiter, he explained, noting his appreciation for the United Nations' continued support. However, as Nepal continued its process, new problems had emerged in the form of the global food crisis, rising oil prices and the dangers of climate change, which undermined its efforts to achieve the Millennium

Development Goals. He called for fulfilling the "solemn" pledges made in 2000, and at the 2002 World Conference on Financing for Development.

He said the United Nations must tackle such development challenges, among other issues, as religious extremism, nuclear weapons proliferation, transnational

crimes and gross human rights violations. Multilateralism was the solution. Further, least developed countries like Nepal faced a special predicament in that they were trapped in a vicious circle of poverty. Their low social indicators, and the growing income gap within and among nations was a "sure sign of looming disaster". Due to least developed countries' high level of vulnerability, he strongly urged that their issues be examined separately by the United Nations and with focused programmes.

Nepal was also landlocked, a "double disadvantage", and had to deal with a high cost of doing trade, he explained, urging full implementation of global compacts and the Brussels Programme of Action for least developed countries. He also highlighted the need for developed country partners to fulfil their pledges to allocate a certain percentage of their

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US Lawmakers Working on Financial Bailout

By Scott Stearns White House 27 September 2008 VOA

U.S. lawmakers are continuing talks on a massive rescue plan for America's struggle financial services industry. VOA White House Correspondent Scott Stearns reports, U.S. President George Bush is facing opposition from members of his own party who object to the cost of the plan.

President Bush says the entire U.S. economy is endangered by uncertainty over billions of dollars worth of mortgage-backed securities that have lost value and threatened the U.S. economy.

Banks holding these assets are restricting credit, making it harder for businesses and consumers to get loans. So President Bush wants Congress to spend as much as \$700 billion to buy up these bad loans and securities, giving more banks more money to lend.

In his weekly radio address, the president says he knows many Americans are frustrated with the situation and feel it is unfair to pay for mistakes by Wall Street investors when many taxpayers are struggling to meet mortgage payments.

Mr. Bush says the cost of letting so many banks fail will ultimately be far higher for consumers than the financial rescue package he is trying to get through Congress.

"The failure of the financial system would cause banks to stop lending money to one another and to businesses and consumers," he said. "That would make it harder for you to take out a loan or borrow money to expand a business. The result would be less economic growth and more American jobs lost. And that would put our economy on the path toward a deep and painful recession." ... Contd. on page 7

Another 80,000 People Displaced In West

KATHMANDU September 24: Aid agencies are struggling to provide assistance to thousands of families displaced by flooding in western Nepal.

The Himalayan nation is still recovering from floods in the southeast last month which displaced thousands more.

Torrential rainfall on 19 September resulted in serious flooding and landslides in eight western districts, including areas in the Terai (fertile flatlands in south) and hill areas.

The affected districts are Bardiya, Banke, Dang, Dadeldhura, Kailali, Kanchanpur, Doti and Salyan districts of the far western and mid-western regions, Nepal's Ministry of Home Affairs (MOHA), reported.



Photo: World Vision International/IRIN

Floods in western Nepal have displaced more than 80,000 people

More than 26 people have been killed and scores more injured after heavy flooding displaced over 80,000 people, comprising some 16,000 families, the government said. However, access to the area and communication remained difficult.

Flooding in Kailali District destroyed part of the East-West

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Editorial:**Missed PR Opportunities**

Any body would have been curious to read and see the progress of the first visit of the Maoist rebel turned Prime Minister Pushpa Kamal Dahal's visit to United States of America- where did he go in transit to USA, how was he received and who received him at the transit airport and many more. It is but natural to wander about these things.

But for few days his story was virtually non-existent, not even the news image. This makes one wonder why the government and the PM's media advisor(s) (if any, existed) have ignored such a wonderful Public Relations (PR) moments to build a strong case for themselves? At a time when overwhelming majority of people are skeptic about the longevity of this government for so many reasons, PM missed one of the several wonderful opportunities to demonstrate the people 'instantly' what he was doing and how he presented things.

There must have been several journalists, at least from the Gorkhapatra and or the Department of Information (Nepal), who could have developed the news story on-board the aircraft, during the transit and many informal stories, a strong

PR tool employed by many head of the governments these days. This only helps the government of the day to continue to build an expectation and develop a new trust among the people, and PM Dahal could have also employed this PR tool.

Speaking to the people and journalists upon arrival at the airport in Kathmandu will only have a tiring face with usual 'excited' diplomatic words that was used even during the Panchayat regimes.

Nepalhorizons.com probably was the first website that had an image of PM's interaction with Nepalese émigrés in Germany, followed by news about his arrival in New York later. Nothing was reported between Kathmandu and New York, an opportunity missed for a PR strategy overlooked by the media team.

**Your morning
companion
to developments
in Nepal**
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a Happy and Prosperous

Vijaya Dashami 2065 BS

Dr. Padam & Usha Paudel

Cary NC

NOA Condemns Elimination of Funds For Jatras

The US based Newah Organization of America (NOA) issued a press communiqué on September 25, 2008 condemning the Nepal's government decision to cut the funding for Jatras under their plan to reduce (government's) expenses.

This was announced during the presentation of 'US\$ 3.5 billion Fiscal Budget 2008-2009' on Friday September 19, 2008 by Nepal's

Finance Minister Dr. Baburam Bhattarai.

The NOA condemns this action as blatant disregard of cultural values and heritage preservation by the government of Nepal.

The communiqué is addressed to the Prime Minister of Nepal, and signed by Ganesh Kayastha on behalf of NOA. Rajesh Shrestha is the current president of NOA.

Livestock And Livelihoods In Jeopardy

SAPTARI September 23: Thousands of livestock belonging to survivors of last month's devastating flood in eastern Nepal are at risk, NGOs warned.

Of the 60,000 people displaced in Nepal's eastern Sunsari and Saptari districts, some 23,000 are living in camps in Saptari, according to the Nepal Red Cross Society (NRCS).

Another 27,000 are living in camps and shelters in Sunsari, with the rest staying with relatives in Nepal or neighbouring India.

Most of the displaced are farmers and land labourers, making up more than 90 percent of those affected, according to NGOs.

About 5,500 hectares of cultivated land was damaged when the Koshi River – Nepal's largest – burst its banks on 18 August, the Ministry of Home Affairs reported, destroying livestock, livelihoods, income generation and other productive opportunities for area residents.

Most of the displaced arrived in the camps and shelters with their livestock, mostly goats and cattle, in tow, the government-run District Livestock Service Office (DLSO), the only agency to focus on the animals, reported.

Thousands of animals neglected
More than 40,000 livestock were affected by the floods, the government says, including 20,000 displaced from Sunsari, 10,000 from Bihar in India, as well as 10,000 more from local areas of Saptari.

"Neglect of the animals could lead to high mortality and the impact will cause health risks for humans – both displaced and among the local population," noted Kashi Nath Yadav, the DLSO's chief of Saptari, about 300km southeast of Kathmandu.

Scores of animals died or were left injured in the flood waters. More than 2,000 animals in the camps have died - that number is



Livestock is a secondary priority for aid agencies still struggling to provide assistance to thousands of flood-displaced families

expected to grow in the coming days, according to the DLSO.

Of the nearly 600 animals injured in the floods, many have developed skin diseases after being in the water for more than 10 days, the government office said.

Yet despite these developments, just less than half of all livestock in the camps has been properly vaccinated due to a lack of medicine, fuelling concern about a possible outbreak of foot and mouth disease (FMD).

The highly contagious and infectious animal disease that normally occurs during hot and humid conditions every monsoon gets worse in flood conditions, Yadav said.

To date, 150 cases of FMD have been reported – a number that could rise exponentially unless immediate action is taken, animal health specialists warned.

Humans first

But with humanitarian agencies still struggling to assist the tens of

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Nepalese Calendar

Sun Sep 28 / Ashwin 12 '65

SorahaSaradha samapta

Mon Sep 29 / Ashwin 13 '65

Aunshi

Tue Sep 30 / Ashwin 14 '65

Ghatasthapa

Wed Oct 01 / Ashwin 15 '65

Duwitaya

Thu Oct 02 / Ashwin 16 '65

Tritiya

Fri Oct 03 / Ashwin 17 '65

Chauthi

Sat Oct 04 / Ashwin 18 '65

Panchami

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Nepal's UN Mission Organize Reception For PM



The office of Nepal's Mission to the UN organized a reception program in New York to greet Prime Minister Pushpa Kamal Dahal on September 25, 2008. The program was attended by representatives of various Nepalese organizations in New York, media persons and other distinguished guests.

Nepal's UN Mission Chief Madhu Raman Acharya expressed his excitement in greeting the first Prime Minister of Republic of Nepal in New York.

On the same occasion, *inter alia*, PM Dahal recalled the days during insurgency and expressed his happiness to be in United States of America, and represent Nepal as Prime Minister in the UN's General Assembly. He further said that Maoists have affected a magic by overthrowing the monarchy; however the only thing remains is the economic prosperity.

Also present on the occasion were Ian Martin, Barbara Adams and the family of PM Dahal. (News Courtesy: Nepalhorizons.com)

Nepali Vehicles Face Extortions, Troubles in India

ITAHARI Sept. 27: Transport Entrepreneurs have complained that they have been bearing huge difficulties and financial burden as they are bound to operate their vehicles via Indian alternative route to reach Kathmandu from western Nepal.

Former President of the Federation of Transport Entrepreneurs, Hira Udas said when Nepali vehicles have taken the route through Jogbani, India, they have been bearing extortions inflicted by local dons and troubles created by policepersons.

He briefed Minister for Physical Planning and Works, Bijaya Kumar Gachhadar about the financial burden that Nepali transport entrepreneurs are facing after link

between Kathmandu and Western Nepal got breached when the Koshi river destroyed its embankment.

Minister Gachhadar said the government is making efforts to reconstruct the road and resume the vehicular circulation at the earliest and it has been finding out possibilities for resuming alternative road at Chatara.

Other transport entrepreneur, Tilak Rai urged the Minister Gachhadar to blacktop the 400-meter section of the Dharan-Chatara road from Buddhachok to Ratnachok.

Minister Gachhadar assured the entrepreneurs that the government would blacktop the alternative path in road construction package. (TRN)

Notice:

Nepal Abroad would not be available on October 4 & 11, 2008. We'd resume on Saturday October 18, 2008. Nepal Abroad Team

Calendar of Events

September 27: The New York Kala Manch invites all to Ramilo Sanjh to celebrate Vijaya Dashami 2065 on Saturday September 27 at The American church 630 2nd Ave (34th street) from 8.00pm to 11.00pm. For details visit nepalhorizons.com

September 27: An interaction with PM Pushpa Kamla Dahal "Prachanda" will be conducted in New York on Saturday Sept 27 from 2.00 pm at the Chain Federation 44-01 Broadway (Broadway 44th street) Astoria Queens New York. For details visit nepalhorizons.com

September 28: The (NECC) Nepal Educational and Cultural Center is celebrating 8th Anniversary of Pashupati Buddha Mandir on Sunday September 28 at Lanham from 1.00 pm. For details visit nepalhorizons.com

September 30- Oct 08: The Nepal Sanatan Sewa New York organizes Navaratri and Vijaya Dashami Celebration in New York from Tuesday September 30 to Wednesday Oct 08. For details visit nepalsanatanny.org or nepalhorizons.com

October 04: A spiritual Dharma Upadesha (a lecture) on the foundation of Theravada Buddhism in Nepal and Dynamic Aspect of Buddhism in restoring the world peace has been scheduled for Saturday October 4 from 7pm at Henjyoji Buddhist Temple, 2634 SE 12th Ave, Portland OR. Rev. Guruma Dhammavati and Rev. Bhante Kondanya from Kathmandu Nepal will deliver the lecture. For details call Dance Mandala at 503 807 5252.

October 04: The Nepalese Society Texas (NST) is organizing Dashain Party on Saturday October 04 from 7.00 pm to 10.00 pm at Ramada Inn, Irving. For details visit nepalhorizons.com.

October 10: The Chicagoland Nepali friendship Society (CNFS) presents Dashain Saanjh 2008 Live Concert with saroj Dutta on Friday October 10 from 5.00 pm to 11.00pm at 2519 W. Devon Ave Chicago IL. For details visit nepalhorizons.com

October 11: The Baltimore Association of Nepalese in America (BANA) invites all to participate in Annual dashain and Tihar Mela Saturday October 11 from 7.00 pm at St Joseph Parish 8420 belair Road Baltimore MD 21236. For details visit banaonline.org or nepalhorizons.com

October 18: The Nepali Association of Oregon has scheduled to organize Dashain 2008 Celebration on Saturday October 18 from 6.30pm to 11.00pm at Multnomah Arts Center 7688 SW Capitol Hwy Portland OR 97219. For details visit nepalseattle.org

October 25: The Association of United Hindu & Jain Temples of Silver Spring MD has scheduled Saturday October 25, 2008 as 'Diwali Mela'. The celebration starts from noon till 10pm at 1st Mariner Arena (near Baltimore Inner Harbor). For further information visit dcunitedtemples.org

Thursdays: The Shri Sai Baba of Shirdi Bhajan / Kirtan is conducted at Durga Temple 8400 Durga Place, Fairfax Station VA every Thursdays from 7pm to 8pm.

Saturdays: The Durga Temple & Chinmaya Mission welcomes everyone to **Bhagavad Gita Satsangh** every Saturday at the Durga Temple 8400 Durga Place, Fairfax Station VA from 10:30am to noon. For further information contact coordinators at 703 793 8855 / 703 646 5924.

To list the scheduled event(s) of your organization on the Community Events above, please email us: enews@nepalabroad.com

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West Seti Case and Prospect of Nepal's Water Resources

- Rabin Subedi,
rsubedi@law.columbia.edu

Nepal's water resources have been victim of unfair agreements with India by the various Prime Ministers in different time. In 1952, Prime Minister Matrika Koirala signed a very controversial Kosi Agreement; the result of this agreement is now familiar to all of us, which is a disaster. Similarly, in 1956, Bisheswor Prasad Koirala signed a next treaty with India which is known as Gandak treaty.



Comparatively, this agreement is more worsen to Nepal because it ended the use of water rights of the uparian people of the *Gandaki* River. It means the water flowing in the various rivers that connected with *Gandaki* can not be used by the upstream people for their irrigation and other purposes including domestic use. For instance, the people of *Chitwan* can not make a canal from the *Trisuli* river for irrigation and other purpose. *Trisuli* was cheaper for the drinking water of Kathmandu than the *Melamchi*. However, *Trisuli* can not be allowed to divert to Kathmandu as it reduces the water level of *Gandaki* river that will be against the treaty signed with India. Of course, *Mahakali* River is common to all, the agreement was signed by the Nepali Congress led government, and following the decision of the Supreme Court two third majority of the parliament had approved the agreement. Unfortunately, all the rivers have been signed with India during the political crisis in the country. Therefore, it would be enough room to presume that rivers have been made the bargaining of politics and power.

After the success of the *Janaandolan* Part two, to overcome the political crisis again, the joint government have concluded some other mega hydropower agreements. However, the *West Seti* hydropower was in under discussion and the agreement had been signed in 1997 with an Australian Company- *Snowy Mountaineering Hydroelectric Corporation*, it was not materialized giving various reasons. The government after 2006 finalized the *West Seti* agreement again and provided license to the corporation. After that, government provided 402 MW *Arun III* for *Satalaj Jalabidhut Nigam* and 302 MW *Upper Karnali* to *GMR*. Both of them are Indian Companies. Besides these, there are number of hydropower project which are under discussion. For instance, *Budhi Gandaki*, *Upper Tamakoshi*, *Bhotokoshi* etc. *Upper Tamakoshi* is going to be made by

the domestic capitals and local people are getting some portion of share in the company.

Unfortunately, the three separate companies have got authority to sell all most all power generated to India. Some few portion of power would be given to Nepal as a part of free of cost. And all these three power projects are provided for at least 30 years and companies have to return to Nepal government after the expiry of thirty years.

Notwithstanding, the mega power projects are going to be made in Nepal but it is not a matter of happiness to a Nepali because these are not for Nepal and even a Nepali could not ask the government to buy the electricity from this projects. Experts say that the electricity of these projects is cheaper than others. However, no Nepali could claim the energy; a small amount of power is given in the name of free energy. The agreed amount of power is 75 MW from *West Seti*, 21MW from *Upper Karnali* and 29MW *Arun III*. It is unreasonable that the policy makers and leaders of political parties do not realized that there is not access of electricity to more than 80 percent of the people of country and there is more than 20 hours power cut a week for the areas even where there is access of the electricity. They never think that electricity could be a means of development and we can use as an alternative to the petroleum products which has been most expensive day by day.

In August of 2006, a public interest litigation (PIL) was filed at the Supreme Court of Nepal by some locals and human rights activists seeking some national and local issues which are neglected by the *West Seti* project agreement. Furthermore, the agreement was signed against the Article 156 of the interim constitution that has laid down certain requirement for the sharing of natural resources categorizing long term effect and short term effect. After the *West Seti* PIL, PIL for *Upper Karnali* and PIL for *Arun III* were also lodged. All PILs have demand of national priority and water sovereignty.

Mainly, these agreements were challenged on three grounds; the first is rights of the people in regard to the water and river, which contain environmental, right to information and other social and cultural rights including compensation and rehabilitation. Second the national interest; that includes the water sovereignty and national sovereignty of county and the third and important ground was application of Article 156 of the Constitution as these all the agreement refer the power and water sharing between Nepal and India.

Rights of people:

The *West Seti* project is going to displace more than 15 thousand people whose life has been part of this river over the history. These people must have the first use of water and to make a decision over the use of the water and they must be equally participated for any plan or development that is going to occur with the water. They are the stakeholders by whom free and prior informed consent must be taken. However, the practice is completely different. National and international laws and mechanisms have clearly indicated the local people have first right over the natural resources. In the contrary, the companies shall have absolute rights over the water, no one can use it and no provision is mentioned in the agreements for the use of local people. At least three should be guarantee of rights to use of water for their basic need if they need. Indeed, the all three project should be able to establish people's right over the water

In addition to this, the local people have some social and economic rights. For instance, what would be the benefit sharing model for these people, how the money and what amount of money and in which title the money is disburse for the development of people? These agreements are silent. Also are they accessible to have employment opportunity in the project or not? In which post they can hold or they will only be the labour, the agreement is silent.

National Sovereignty and Water Sovereignty

We have very bad examples of water sharing in the history. In addition to

the *Kosi* and *Gandak*, *Mahakali* was next unfortunate as discussed above. Nepal was supposed to get 50 percent electricity and 50 percent water from the *Mahakali* river, however no body knows when the electricity comes out. So far as the water is concerned, unfortunately Nepal is receiving only 3.5 percent whereas India has used 96.5 percent. Neither Nepal demands royalty with India for the 46.5 percent water nor Nepal does have any plan to utilize this water. Now the India has established prior use of water. It means even if Nepal wants without permission of India the 46.5 percent water can not be used or no royalty can be claimed.

The *West Seti* has been another *Mahakali*. After the storage of water in the dam, according to the experts, the volume of water would be increased by 90-156 Cusec per second. Nepal has absolute rights over this water; however the agreement is completely silent. The increased volume of water will flow from more than 125 KM in Nepal after it releases from the dam. It could be beneficiary to the down stream people for irrigation and other purpose. Some so called export opined that it is not technically possible.

On the other hand, India has already made two canals, *Sarada Sahayak* and *Sarayu*, for the use of this water. Nepali authorities even do not like to go in this fact or sometimes they become ignorant. They say that water is flowing everyday being useless. The crucial thing is it is not the question of regular water; it is the stored water in the dam which has contribution of more than 15 thousand people in the area, who are going to be displaced. A similar type of dispute was occurred between Canada and United States of America (USA) on the water sharing issues of *Columbia River*. However, Canada was only agreed to sign the agreement after

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UN Says Tens of Thousands of Flood Victims in Western Nepal Need Food

The United Nations World Food Program is appealing for \$2.5 million for an emergency food program in Western Nepal, which has been inundated by heavy flooding this week. The WFP says the money will be used to feed about 170,000 people for one month. Incessant rainfall in the mid-western and far-western regions of Nepal this week has caused flooding and landslides in eight regions. The United Nations reports at least 30 people have been killed and 30 are missing.

World Food Program spokeswoman Emilia Casella says the organization has to find the money to feed 170,000 flood victims in the West who have lost practically everything.

"Imagine when 170,000 people are displaced by severe flooding, it means they have lost their homes," she said. "They have lost their livelihoods and, unfortunately in some

cases, family members. So when a community has to recover from something like this even if they are only displaced from their homes for a few weeks until the waters recede it can take months to rebuild."

Casella says crops have been lost and planted crops have been destroyed. So food assistance, she says, will need to continue for some time to come.

She says the WFP will provide the flood victims with a mixed-commodity basket of rice, lentils, vegetable oil and salt, as part of this new multimillion dollar emergency operation.

The floods in western Nepal come on top of severe flooding last month in eastern Nepal, when the Koshi River, one of the largest river basins in Asia, breached its embankment.

Flooding there has caused widespread devastation, displacing 70,000 people. Most are staying in temporary shelters or in ad hoc settlements.

The United Nations warns debris and dead cattle in the region pose a big threat to hygiene. It says encephalitis cases have been reported and it fears an upsurge in cases of malaria.

The United Nations and its partners are appealing for \$15.5 to help monsoon victims in the east over the next six months. This money will supplement a \$100 million appeal that was previously launched to address chronic problems in Nepal this year.

Casella says the World Food Program is providing food assistance to the 70,000 people in eastern Nepal in addition to the new flood victims in the West. She says this brings the total number of beneficiaries to 220,000. (VOA 9/27)

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Nepali Women: Freedom to Demean Yourself?

Bhumika Ghimire IN



On Monday morning I begin my work day reading international and American newspapers online and checking Nepali news websites. Every week there is something that drives me crazy or fills my heart with hope. Monday September 15, Reuters India reported "hundreds protest Nepal crackdown on "nude" discos". I knew it was going to be a long day.

Hundreds employed in night clubs, discos and dance bars-majority of them women, took to the streets to protest against the government's decision to crackdown on "nude" dancing. Newly appointed Home Minister has ordered the establishments to close at 11:00 PM. All this to improve law and order situation in capital Kathmandu.

The women were carrying banners with slogans calling for freedom to practice their profession, end to police interference and job security. Owners of the discos and dance bars say that government's actions will cause thousands to lose their job and affect business environment.

Nepal is a growing democracy, still working though the

twists and turns on rights of citizens, freedom of expression and right to work. This incident can very well be marked as yet another trial the country has to go through before it establishes itself as a truly free society. But in reality, this disco backlash is symptom of rotting and backsliding Nepali society, which is quick to let go of morals to make a quick buck but is cynical enough to keep some antiquated ideas to insure that women and those traditionally oppressed don't get ahead.

According to a Human Rights Watch report, there are about 20,000 Nepali women and girls in Mumbai's brothels-sold into flesh trade by someone they know or trust. In cities across India, every year thousands of Nepali women and girls enter the brothels-victims of trafficking. Nowadays, the number of those being sent to Gulf States is also rising. In some remote villages in Nepal, the problem is so acute and entrenched that it is not rare to find a father, brother, husband, cousin involved in trafficking their daughter, sister or wife.

Government has launched several measures to combat this issue and a number of social service organizations are working to stop

this horrible trade, but the problem is still present. Ten years long civil war between the Maoists and the State made the efforts to stop the trade even more difficult, many women who had lost their family or male guardian were lured into the flesh trade. Pimps and middle men used bad economy and violence to their advantage.

After the peace agreement was signed between the government and Maoists and business environment slowly began to get back to track, the flesh trade found a new market-Nepal. Seedy nightclubs and bars that began to appear across the country became the destination for desperate women. Women from different parts of the country, who in the past would have been targeted to be sold into brothels in India, were now being lured into jobs in these establishments. They were promised honest money, honest job but instead were forced to sell themselves.

In front of the society there were presented as a "waitress" or a "server" but behind the closed doors it wasn't very different from a brothel in Mumbai. Another chapter in this saga of these sleazy clubs exploiting hapless women is the "nude disco".

Free enterprise is good for Nepal and the country should honor freedom of expression and employment. But can the society accept "nude disco" when every year thousands of Nepali women are sold and forced into prostitution both inside the country and across the border? In fact the whole idea of disco, nightclub, fashion shows in Nepal is absurd. The country's doesn't have money to insure education, health care, employment, equal rights to women but is happy to allow frivolous spending on disco, and night clubs?

I respect the right of women working in these nude clubs to decide for themselves. If they want they are free to dance nude, walk into a moving traffic or go to college or get another job-they are free to choose. It should be their choice-no force or coercion. But it is still a very bad idea to allow business interests to exploit women and sell them as sex objects. The women who want to work in these nude discos, I hope will understand that democracy does not mean freedom to demean yourself or allowing others to exploit yourself.

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Another 80,000 People...

Contd. from page 1...

Highway at Pahalmanpur, as well as telephone and electricity lines, the ministry said.

According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), Kailali District, about 700km southwest of the capital, was the worst affected, with more than 8,900 families displaced in 19 Village Development Committees.

"It will take several days to repair the road and we are faced with heavy challenges to help the affected victims," local development officer and senior government official Bhojendra Chettri told IRIN from Kailali.

Water levels remained high and showed no sign of subsiding as monsoon rains continued, he said, noting it would take several days before some roads could be reopened.

Given the gravity of the flooding, the government is mobilising additional resources and relief equipment, including the security forces, to ensure those displaced are taken to safer areas with access to food, health and other basic services. Two Army helicopters are to be dispatched to the flood-affected areas, in particular Kailali and Kanchanpur.

Disease outbreaks under control
Any casualties reported so far have been due to drowning or landslides, according to aid workers.

Livestock And Livelihoods...

Contd. from page 2...

Thousands of people displaced, it is unlikely the animals, on which so many depend for their livelihoods, will get the assistance they need soon.

"Our first priority in our emergency assistance is to help the displaced families and relocate them to a permanent settlement," explained Sanjeev Kumar Kafley, the NRCS's director of disaster management.

Livestock should be included in the recovery programme as doing so now would place an additional burden on aid agencies, he said.

Until that happens, however, scores of animals will likely die.

There have been no reports of people dying of disease; however, precautionary measures were needed to avoid any possible outbreaks as the number of displaced remained high, said officials from the District Public Health Office (DPHO) in Kailali.

The displaced were being temporarily sheltered in several schools in the area or with relatives, but there was an urgent need to build temporary camps, they said.

"We are in the process of finding empty land to build the camps as families are living in difficult circumstances and there is a need to find them better shelter," said Chettri.

With road access remaining poor, bringing medicine to the affected areas was also a challenge.

Between 10 and 12 health camps have already been established to provide treatment and medication to a large number of the displaced, in particular children, left vulnerable to diarrhoea, acute respiratory and eye infections.

"A lot of medical attention is needed to make sure that we have enough buffer stocks of medicines. But we hope more supplies will be made regularly from the capital," added one local health official, who asked not to be identified.

According to the Nepal Red Cross Society, some 60,000 people remain displaced in the eastern districts of Sunsari and Saptari after the Koshi River burst its banks on 18 August. (*IRIN News Service*)

Many farmers in the camps are already struggling to feed their animals, citing an acute shortage of fodder and animal feed.

"If livestock is not prioritised, thousands of farmers will suffer further from the loss of their animals, which is also their only means of livelihood," Yadav stressed. (*IRIN News Service*)

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How To Sue In Small...

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decide whether you have won your case. If the jury decides you have won, it will also decide the amount of money you should receive from the person you are suing.

You Have A Right To Appeal

The statute creating the "Court of Small Claims" allows either party the right to appeal to the county court if the amount of the dispute exceeds \$ 20, exclusive of costs. If you feel the decision was unfair and you have originally asked for more than \$ 20, you may appear in front of the county court judge and go through the trial as before, completely retrying the case in front of a new judge. If you

(This information is not a substitute for the advice of a lawyer and is intended for general information concerning how to sue in small claims court. This information is published as a handbook which is prepared and distributed as a public service by the Texas Young Lawyers Association and the State Bar of Texas. This is the general information for the public about the procedure of small Claim Courts in Texas.)

want to appeal, you must file a Notice of Appeal in the county court within 10 days after the case was decided in the small claims court, Ask the clerk of the small claims court for help if you need it.

You should also be aware that if you win, the party you are suing can appeal if he chooses. If this happens, be sure to appear at the second trial or the judge in the county court will notify you if the defendant has appealed.

An appeal to county court involves a much more formal proceeding than the one in small claims court. In many cases, it will be necessary to have an attorney assist you with an appeal.

'UN must tackle ...

Contd. from page 1...

gross national product to least developed countries. On climate change, he said Nepal faced the melting of glaciers and shifting weather patterns, and strongly appealed for extending support to help protect its environment. A regime of common but differentiated responsibilities also must be created.

Continuing further, inter alia, he was pleased the United Nations Regional Centre for Peace and

Disarmament in Asia and the Pacific had been operating in Kathmandu for 20 years. Peacekeeping had evolved as the "soul" of the United Nations, and Nepal had regularly sent peacekeepers since 1958. On human rights, he said the proposed Truth and Reconciliation Commission would be a necessary balance between peace and justice, and that Nepal would enhance the work of its National Human Rights Commission. (*Source: UN News*)

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to all.*

Sandeep Baral
Baltimore MD

West Seti Case and...

Contd. from page 4...

USA became ready to pay royalty for the regulated water. Nepal could ask India for the price of this water. According to an Indian researcher, India is prepared even to pay the price in case Nepal asks, unfortunately Nepal government does not pay attention. Hence on the one hand these agreements have ended water rights of people of Nepal on the other hand these practices are challenging national sovereignty.

Constitutional Issues: Article 156 of the Constitution:

Article 156(1) states that the ratification of, accession to acceptance of or approval of treaties or agreements to which the State of Nepal or the Government of Nepal is to become a party shall be as determined by the law.

Sub-section (2) reads that laws to be made pursuant to clause (1) shall, inter alia, require that the ratification of, accession to acceptance of or approval of treaty or agreements on the following subjects be done by a two-third majority of the total number of members of the Legislature-parliament.

- (a) Peace and friendship;
- (b) Security and strategic alliance;
- (c) The boundary of Nepal; and
- (d) Natural resources and the distribution of their uses.

Provided that out of the treaties and agreements referred to in the sub-clauses (a) and (d), if any treaty or agreement is of ordinary nature and which does not affect the nation extensively, seriously or in the long term, the ratification of, accession to, acceptance of or approval of such a treaty or agreement may be done at a meeting of the Legislature-Parliament by a simple majority of the members present in the House.

West seti and other above mentioned projects falls under the category of 2 (d) as it is a sharing of natural resources in which there is clearly established sharing of water and electricity with India. Unfortunately, the court said that this is not an issue of sharing of natural resources. It seems that water is not natural resources for the Court. As the these rivers are given for 30 years and the water and electricity is distributed for both countries, it is really difficult that why court does not see it as a sharing between two countries. The West Seti project will 750-810 MW electricity

by making a big dam. If one looks at the total power production data of the country, it is approximately 600 MW in the rainy season. However the agreement allows to the Company to sell more than 80 percent electricity to India. Exports have a say that the electricity generate by this project is cheaper than the other existing projects are generating. Since there would be a big dam and company will establish absolute right over the resources, how one can believe that these projects are not of long term effect in the country. Just imagine for a moment, in case the dam is destroyed like the Kosi embankment. Then how come to the court that this is not a project of long term effect and sharing of natural resources between two countries

There is no doubt that the Supreme Court of Nepal has played a vital role for the institutionalization of democracy and rule of law in the Country. Especially for the protection and protection of fundamental rights, judicial review, women and dalit issues role of government issues and so on. However, in some of the decision, it seems that the Supreme Court is no so serious and does not look in properly. It seems that the Supreme Court is not serious for the issues of national concerned and sovereignty. As a matter of fact, the hearing was completed in December of 2007 and the decision came out in September of 2008, after the formation of government. It is also suspicion on the supreme court that why the decision came out lately and after the formation of new government. It gives some political color of the court's decision.

Unfortunately, Upper Karnali and Arun III were behind the West Seti case. All are dismissed with the West Seti on the ground that there is not a sharing of natural resources between two countries. But the reality is different. As discussed above, more than 80 percent electricity is going to India and for west seti case water is going to India free of cost. Hence by overlooking on that serious issues, the Supreme Court has not only done a historical mistake but also has over looked on the sovereignty and right to water of the people of Nepal by violating various UN Resolution on Sovereignty Over the Natural Resources of People and Convention of Biological Diversity, 1992.

(Rabin Subedi is a Public Interest Law Fellow at Columbia University, New York.)

US Lawmakers Working On..

Contd. from pg 1....

Public opinion polls show as many as 40 percent of Americans oppose the government plan to spend taxpayer money to buy up bad investments.

Most Democrats and Republicans in the Senate agree to the broad principles of the president's bailout, but Republicans in the House of Representatives object to the cost. They want an expanded insurance system to cover failing mortgage-backed securities.

In the Democratic radio address, House Majority Leader Steny Hoyer says "The money spent must be accounted for".

"This Congress does not write \$700 billion blank checks" he said. "There will be strong oversight

of where and how that money is spent. Taxpayer money can not fund lavish bonuses or golden parachutes for CEO's whose irresponsibility helped bring on this meltdown."

Though not included in his original plan, President Bush has agreed to limits on executive compensation and a bipartisan board to oversee the purchase of failing securities.

Lawmakers continued to work on the plan Saturday. Two top Democrats, Senate Majority Leader Harry Reid and the Chairman of the House Financial Services Committee Barney Frank, say they believe a deal can be in place by Sunday. Lawmakers hope to announce an agreement before Asian markets open Monday.

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Nepalese
in the USA*
Anil Pandey
President-
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Exchange Rates in Nepal		
Currency	Buying (Rs)	Selling (Rs)
US \$ 1	74.10	74.70
Canadian \$1	71.63	72.21
Euro 1	108.45	109.33
Pound Sterling 1	136.28	137.38
Australian \$1	61.62	62.12
Swiss Franc 1	68.18	68.73
Singapore Dollar	51.96	52.38
Japanese Yen 10	7.00	7.06
Chinese Yuan 1	10.82	10.91
Indian Rupees 100	160.00	160.15
Swedish Kroner 1	11.23	---
Danish Kroner 1	14.54	---
Hong Kong Dollar 1	9.53	---
Saudi Arab Riyal 1	19.75	---
Qatari Riyal 1	20.35	---
Thai Bhat 1	2.18	---
UAE Dirham 1	20.17	---
Malaysian Ringgit 1	21.60	---

[Source: Nepal Rastra Bank, For September 27 '08]

How To Sue In Small Claim Court ?

Contd. from the previous week...

You will have an opportunity to tell your story without being interrupted by the other side. When you are finished, however, the person you are suing will have a chance to ask you and you witnesses questions.

After both you and your witnesses have told the judge what you know, the person you are suing will explain why he thinks he should not have to pay you any money. It may be his position that you are wrong in the way you say the events occurred. Or he may say that your story is correct but that you are demanding too much money. He also has a chance to tell his story without interruption. After he is finished, you can ask both him and his witnesses' questions. The judge may also ask them questions.

You cannot make statements to the witnesses. You can ask them questions. You cannot argue with the witnesses about their testimony. If you think the person you are suing or his witnesses are not telling the truth, you should ask

questions that would expose this fact to the judge.

Be polite and courteous to the witnesses and others in the courtroom. Obey the court's instructions. Be brief and to the point. State your position in respectful tone.

Do not try and play Perry Mason. This is not the time to "object" to everything that the other side says. A nonlawyer generally cannot back up objections with legal argument. In fact, many small claims court judges will not even entertain formal objections during the trial of your case.

If the person you are suing does not appear in court at the appointed time, and he has received proper notice of this trial, then the judge will grant judgment in your favor for the amount you prove that you are due.

If you want a jury trial, the same procedure described about will be followed, but before you begin telling your story, both you and the person you are suing will be given a list of the names of potential jury

members. You will be allowed to question these people and then decide which of them you do not wish to be on the jury. You may disqualify three of them for any reason (called a "peremptory challenge"). You may disqualify others if you show the judge that there is some fact which by law disqualifies a person from serving as a juror or which convinces the judge that a person is unfit to be on the jury. For example, you may discover that one of the potential jurors is a close relative of the person you are suing. This fact would normally be enough to disqualify this person and would not count as one of your three peremptory challenges. This procedure will be explained to you in more detail by the judge if you ask him.

After the judge has heard the facts from both sides, including the witnesses, and everyone has asked the entire question he wants to ask, the judge will then decide who wins the case and the amount, if any, the winner should receive.



Sirjana Sharma, LLM
Southern M University, TX
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He may want more time to think about the case. If so, he will probably tell you when you can expect a decision. If the judge does not decide the case while you are there, remember that you will need to know what the "case number" of your case is. This number will enable the clerk to find the result quickly when you call later to find out the judge's decision.

If you or the person you are suing has chosen to have a jury trial, the jury, and not the judge, will usually

... Contd. on page 6

Ashes In Mai Khola

Contd. from the previous week...

"I know you", said the tea stall owner, "you and your family came here for picnic years ago".

"Really?", I was surprised, "but that was 15 years ago". I calculated.

"Oh yes, my memories are as strong as my legs dai, I ran marathon in Damak last year". It was no other than good old Jhalak, he had grown taller, wore a moustache, but was loquacious as usual.

Did I forget to say I stopped at Mai Khola on my way to kakadvitta?

"Uh Jhalak, where does Devaki live now?" I succeeded in not uttering Maya's name despite unyielding enthusiasm. It had been five years since I'd last seen Maya.

"They live above the restaurant there dai, he pointed across the street, Devaki owns the restaurant", he went back to get more tea orders.

The restaurant was primarily meant for drivers and their passengers, it was a usual roadside restaurants with shelves covered with cheap liquor, a noisy refrigerator, a pool of tables for dining, and few mangy

waiters running back and forth. There was a big poster of a Rajesh Hamal starrer adhered to one of the walls that overlooked yet another poster at the opposite, the one that starred Shah Rukh. Besides cinema posters, there were few other fliers for paan parag, some local whiskey and coca cola, all of them pasted with cheap glue in complete disarray

"We have a tato bhujia ready babu, would you like to order a lunch?" a Middle aged woman yelled at me across the cash register, least anticipating me to grab a chair and order something.

I assumed she was Devaki, I had never seen her except once and that was many years ago.

"Uh, I am Bob, from Sharmas' family in Biratnagar, Maya lived with us for ten years, remember?" I tried best to identify myself.

"Ohh Bob babu, of course I remember, namaskar, what a pleasure, grab a seat and I shall get you a coke." She hurried away muttering something underneath her breath.

"Chyante drives a local bus from Biratnagar to Dharan, he is nineteen now, doing pretty good, he

comes here once a week". She said in between smiles, her yellow teeth too visible to ignore.

"And Maya...", I asked without further delay.

"Uh...'keti to bhagya' babu, I sent her to Calcutta along with her friend's uncle, he got her a job there, she seems to earn pretty well, I bought this roadside house with her income and a few thousand rupees given by your mom few years ago, I have not seen her for two years now."

I mercilessly hauled my over-drunk body to the middle of Mai's bridge with Jhalak following me watchfully, careful enough to rescue me from being run over by speeding trucks or from plunging into the river below. He perhaps knew that most people who jumped off the bridge consumed alcohol at par to my level. Jhalak, for the sake of friendship that never was, countlessly pleaded me to stay back in the motel and sleep away. He was even concerned why I was determined to spend a night in a place like Mai Khola.

I lit a cigarette leaning against the concrete bulwark of the



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bridge, the river roaring under it. Jhalak stood inches away, rehearsing his reflexes for anything unexpected...or perhaps very much expected. Maya would have been disappointed to see me smoke again; I had kept my promise for five years promise of not smoking again.

I inhaled every drag deeply, trying to erase Maya off my thoughts, lightly patting off the ashes down the river.

"Relax Jhalak", I said in between tears and chokes, hiding my face off the moonlight, "I am not jumping, I am just dispensing the ashes of my dear deceased sister who I failed to rescue".