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# Canada Forum for Nepal

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## Press Release

### Send message of unity to Nepal

**August 06, 2007 – Ottawa, Canada:** The President of Nepal Bar Association (NBA), Senior Advocate Bishwa Kanta Mainali, said that Nepalese unity is fractured more than ever before and a message of unity is required to come from every corner of the world. He was speaking in an interaction program, "The issues of federalism and constitutional development in Nepal," organized by Canada Forum for Nepal (CFFN) in Ottawa, Canada. CFFN, an organization dedicated to advance scholarly exchanges between Canada and Nepal, organized this program with NBA delegates who are in the capital of Canada in an invitation of Canadian Bar Association (CBA) to learn from the Canadian experiences on the areas of federalism, constitutional development, and language policies. Being executed in partnership with CBA and NBA, Canadian International Development Agency has been funding a project named "Developing Democracy in Nepal" and the delegation is a part of that mission.

Elaborating further on the unity question, Mr Mainali said, "Despite the fact that injustices have happened to many people of Nepal, it has been necessary to embrace the forgiveness, reconciliation, and correction – a method adopted by the black majority in post 1994 South Africa." He opined, however, that international and regional powers are playing undesirable politics in Nepal and are curtailing the capabilities of the political parties that are plagued by weak leadership. He said that disunity among the parties in the coalition government, randomly evolving Tarai movement, and lack of broad solution on the issue of federalism are hurting Nepal. According to him, while India's role is even more questionable, the frustrated forces of monarchy are intent on a disruptive role in this situation. He said, "However, the source of king's power came from an old social belief of treating him as god but such power base has essentially crumbled in present Nepal."

Speaking in the program, Sheri Meyerhoffer - a CBA representative and the Project Director of "Developing Democracy in Nepal" - mentioned that this project focuses on educating Nepalese lawyers who are intimately linked with the constitutional development of Nepal. The lawyers will then go to the grassroots to educate the people on federalism, democracy, and constitution so that people could make informed decisions during the Constituent Assembly (CA) election. The project will also develop a constitution and submit it to the Constituent Assembly of Nepal as a reference to advance the debates in the process of building a new constitution.

Emphasizing that the CA election can add to stability, NBA Vice President Prahlad Bahadur Karki, said “The incidence of communal conflict in Nepalgunj quickly spiraled into the whole of Tarai and the situation has become complicated. Today, preparation for election is incomplete; there is disunity among parties on electoral system for CA; and a fear-free election environment does not exist.” He opined, “Everyone is fighting for their rights without taking up the responsibilities and this is part of the reason for the uncertainty that prevail in holding the election of the CA. Nepalese living in foreign countries should, therefore, use their influence to promote a balance between the rights and the responsibilities.”

Defending federalism as a desirable outlet, Advocate Raman Kumar Shrestha, Secretary General of NBA, said, "Although much debate is required in developing a right model, a federal system is necessary in Nepal for it has been a profound demand of the previously marginalized people." Adding to his arguments, and dispelling the worry of breakdown of the country, he said, "We brought divorce law amidst a fear that it will wreck havoc in the families. However, married people came to divorce court not because there existed such a law but because their union was unworkable." He emphasized that we are better off by founding a healthy union than attempting to stick with an unjust state.

Raman Kumar Shrestha also emphasized that NBA has always stood against autocratic regimes with a belief that peace and democracy are necessary elements of founding a state based on the rule of law. And, the election of the CA is necessary for Nepal if it is to establish a legitimate democracy. However, there are many dangers lurking around, and one of them is monarchy itself. He said, “No country has ever carried out constituent assembly election under monarchy whose fate has to be decided by the same assembly. In Italy the king thwarted attempts to hold constituent assembly election but was ultimately carried out after the abolition of the monarchy.”

Ranju Thakur, a woman lawyer from Madhesh and one of the delegates, spoke passionately on the issues of women and the Tarai movement. She said, “Despite declaring 33% reservation for women in every sector by the interim constitution, nowhere that right has been respected, including in the parliament that passed it. The issues of women, Dalits, and Janajatis are intertwined and an all encompassing solution is ever desirable. However, women of Madhesh are still under veil and are in far worse situation than others in Nepal.” On the issues of Tarai, she said, “The most profound of all issues is that of identity. Despite living in the same country, the people of Madhesh are not treated as other Nepalese. They face humiliation and have been discriminated in delivering public service; and I see that happening even in the highest court of Nepal.” She said that it is necessary to create an environment where people of Madhesh can feel that the post CA Nepal will respect their identity and treat them as equal in all fronts including that in political representation.

Welcoming and thanking the delegates, Executive Director of CFFN, Pramod Dhakal, appreciated the efforts of CBA and NBA. He said, “We want you to be successful in helping Nepal emerge out of current difficulties and in finding solutions that can address the grievances of the people while making Nepal a just and democratic state. Let this be an opportunity to develop a constitution that is better than any in the history of the world.” He

said that CFFN will present two models of federalisms to the delegation through some alternate medium and appreciated the amicable interactions between the participants and delegates.

Thank you!





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