**07KATHMANDU1603**

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VZCZCXRO9199 OO RUEHCI DE RUEHKT #1603/01 2361202 ZNY CCCCC ZZH O 241202Z AUG 07 FM AMEMBASSY KATHMANDU TO RUEHC/SECSTATE WASHDC IMMEDIATE 6936 INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 6037 RUEHLM/AMEMBASSY COLOMBO PRIORITY 6339 RUEHKA/AMEMBASSY DHAKA PRIORITY 1587 RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 4363 RUEHLO/AMEMBASSY LONDON PRIORITY 5630 RUEHNE/AMEMBASSY NEW DELHI PRIORITY 1831 RUEHCI/AMCONSUL KOLKATA PRIORITY 3758 RUEHGV/USMISSION GENEVA PRIORITY 1820 RUCNDT/USMISSION USUN NEW YORK PRIORITY 2910 RUEKJCS/SECDEF WASHDC PRIORITY RHMFISS/CDR USPACOM HONOLULU HI PRIORITY RUEAIIA/CIA WASHDC PRIORITY RHEHNSC/NSC WASHDC PRIORITY RHEFDIA/DIA WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 KATHMANDU 001603 SIPDIS SIPDIS E.O. 12958: DECL: 08/24/2017 TAGS: PREL PGOV EAID PREF ELAB KDEM KWMN AMGT BT CH, NP SUBJECT: NEPAL: AMBASSADOR REVIEWS ELECTION, REFUGEES AND ADOPTIONS WITH FOREIGN MINISTER REF: KATHMANDU 1531 Classified By: Ambassador Nancy J. Powell. Reasons 1.4 (b/d) Summary ------- [Â¶](http://www.bhutan-research.org/us-diplomatic-cables-on-bhutan/07kathmandu1603#par1) 1. (C) During the Ambassador's introductory call on Foreign Minister Pradhan on August 13, the Ambassador emphasized the ongoing U.S. interest in assisting Nepal with its upcoming Constituent Assembly election and its democratic transition. Minister Pradhan responded that the election was the Government of Nepal's (GON's) central preoccupation. The Ambassador stressed that Washington was eager to see the program for resettlement of Bhutanese refugees put into place quickly and the Minister agreed. The Ambassador voiced U.S. concern regarding the GON's refoulement of a Tibetan refugee to China in mid-July (reftel). Pradhan expressed sympathy for the request by the Ambassador for a special arrangement for the large number of American adoption cases in the pipeline. She added that Minister of Women, Children and Social Welfare Biswokarma had told her recently that it would take "some time" for the GON to approve the new law. The Foreign Minister concurred with the Ambassador that the Interim Parliament's adoption August 12 of a new law on overseas labor was a step forward. In response to a question from the Foreign Minister, the Ambassador remarked that she was reviewing next steps on the diversity visa program: what to do about those who had protested their refusals as well as how to roll out the new program. Constituent Assembly Election Is Issue No. 1 -------------------------------------------- [Â¶](http://www.bhutan-research.org/us-diplomatic-cables-on-bhutan/07kathmandu1603#par2) 2. (C) In her introductory call on Foreign Minister Sahana Pradhan on August 13, the Ambassador stressed that the United States was fully committed to assisting the Government of Nepal (GON) with the Constituent Assembly election in November and with its transition to democracy. The Ambassador noted that she had been pleased to inform Prime Minister Koirala August 10 that the U.S. would provide USD 3 million for the ballots. She added that she was also looking at how the U.S. could help after the election, perhaps by providing training to women Members of Parliament, on top of existing USAID funding for democracy programs. Minister Pradhan responded that the election was the GON's central preoccupation. Pradhan pointed out that the Constituent Assembly had been on the country's political agenda since [Â¶](http://www.bhutan-research.org/us-diplomatic-cables-on-bhutan/07kathmandu1603#par1951) 1951. The Minister concurred with the Ambassador that the election offered an opportunity to greatly increase women's political representation. Whether Nepal would attain the 33 percent representation of women in all areas of public life as set forth in the Interim Constitution remained to be seen. Bhutanese Resettlement Should Go Forward ---------------------------------------- [Â¶](http://www.bhutan-research.org/us-diplomatic-cables-on-bhutan/07kathmandu1603#par3) 3. (C) The Ambassador remarked that one of the principal stumbling blocks to resettlement of Bhutanese refugees was Cabinet approval of a Memorandum of Understanding (MOU) between the Government of Nepal (GON) and the International Organization for Migration (IOM). (Note: The MOU has since been concluded on August 23. End note.) She noted as well that ensuring the security of those who chose resettlement was a key outstanding issue. Fortunately, Australian Ambassador Graeme Lade had agreed to stay on as head of the Core Group in Nepal on Bhutanese refugees until she had a chance to become more familiar with the issues. The Foreign Minister expressed agreement about the need to move forward with resettlement. Concern About Return of Tibetan To China ---------------------------------------- [Â¶](http://www.bhutan-research.org/us-diplomatic-cables-on-bhutan/07kathmandu1603#par4) 4. (C) The Ambassador took the opportunity to voice concern about the refoulement of a Tibetan refugee to China in July KATHMANDU 00001603 002 OF 003 (reftel). The Embassy had been informed, she said, that the return of the refugee did not constitute a change in official policy. This was an individual case. Nevertheless, the Ambassador emphasized that this was an issue of great interest in Washington and one we would continue to follow closely. Adoptions: Special Arrangement for Pipeline Cases? --------------------------------------------- ----- [Â¶](http://www.bhutan-research.org/us-diplomatic-cables-on-bhutan/07kathmandu1603#par5) 5. (C) Another issue of concern, the Ambassador said, was the status of American adoptions of Nepali children which had been held up since April because of the GON's review and reform of adoption law and regulations. While the U.S. very much appreciated Nepal's effort to bring its adoption system in line with international norms, there was a humanitarian issue for those families caught in the pipeline. The Ambassador asked if some special arrangement could be made for them, keeping in mind that the U.S. would maintain its own strict scrutiny of the process to help prevent fraud. She emphasized that the U.S. shared Nepal's concern that children not be trafficked. Minister Pradhan was sympathetic. She said (Maoist) Minister for Women, Children and Social Welfare Khadga Biswokarma had told her recently that it would take "some time" to approve the new law. New Labor Law Approved ---------------------- [Â¶](http://www.bhutan-research.org/us-diplomatic-cables-on-bhutan/07kathmandu1603#par6) 6. (C) The Minister and the Ambassador agreed that the Interim Parliament's August 12 passage of the new Foreign Employment Act represented progress. The stiffer requirements for manpower agencies wishing to send Nepalis overseas for employment and stiffer fines when those requirements were not met would help to protect Nepali workers. Now the law needed to be implemented and appropriate regulations adopted. The Ambassador stated that the huge increase in Nepalis employed overseas was one of the most noteworthy changes she had observed since her return to Nepal after 25 years. The Foreign Minister concurred that this was a significant shift. Traditionally, Nepalis had gone to India or had joined the British Army. Now Nepalis could be found working all over the world. Handling Review of Diversity Visa Cases --------------------------------------- [Â¶](http://www.bhutan-research.org/us-diplomatic-cables-on-bhutan/07kathmandu1603#par7) 7. (C) In response to a question from the Foreign Minister, the Ambassador remarked that she was reviewing next steps on the Diversity Visa (DV) program: what to do about those who had appealed their refusals as well as how to roll out the new program. She proposed waiting approximately a month, until after the U.S. Mission had moved into its new facility and she had had a chance to discuss the various aspects of the case, including public relations, consular and security matters, with the Embassy team before announcing the results of the review. The Ambassador mentioned as well that it would be time soon to announce the new DV program. Although the Embassy had already looked closely at the way the program's procedures were explained to visa applicants, she wanted to take one more look. Minister Pradhan replied that she understood the need to wait to announce the results of the review. Until then, she anticipated that she would continue to have refused DV applicants call on her every week asking when an announcement would be forthcoming. Claims From New Embassy Construction ------------------------------------ [Â¶](http://www.bhutan-research.org/us-diplomatic-cables-on-bhutan/07kathmandu1603#par8) 8. (SBU) Minister Pradhan informed the Ambassador that she was aware of 20-25 persons who did not receive compensation for damage incurred to their property in the course of the construction of the New Embassy Compound. She requested that they be compensated. The Ambassador responded that she was aware of a number of cases where compensation had been awarded. She also suggested that there might be fraudulent KATHMANDU 00001603 003 OF 003 claims or repeat claims by those who had already been paid. The Minister said she would send a list of the claimants to the Embassy and the Ambassador promised that the Embassy would forward this list to the contractor for comparison. (Note: The contractor has legal responsibility for any claims resulting from the construction of the Embassy. The contractor has already compensated neighboring property owners for inconvenience -- not damage -- due to the construction. End note.) Comment ------- [Â¶](http://www.bhutan-research.org/us-diplomatic-cables-on-bhutan/07kathmandu1603#par9) 9. (C) Minister Pradhan is not the most powerful member of the Interim Cabinet, but she is inclined to help the U.S. when she can. An MOU on the resettlement issue has been concluded since the Ambassador's meeting with the Foreign Minister. We are less hopeful of a quick solution on the adoption front. With the Interim Parliament considering adjourning, there may not be enough time for a new adoption law to be enacted. Even absent a new law, however, post will continue to press the GON to make a special arrangement for American and other families caught in the pipeline. POWELL