

# Kathmandu School of Law Review

ISSN 2091-2110

Volume 6

Issue 2

November 2018

## FOREWORD BY EDITOR-IN-CHIEF

*Prof. (Dr.) Yubaraj Sangroula*

## FEATURE ARTICLE

A Critical View of Laws and Regulations of Artificial Intelligence in India and China

*Prof. (Dr.) Avinash Dadhich*

## ARTICLES

Paradigm Shifts in Internalization of International Law: A Case Study of Growing Human Rights Jurisprudence in Nepal

*Prof. Geeta Pathak*

Wartime Violence and Post-conflict Situation: The Nepalese Experience

*Dr. Gajendra Aryal*

Bangladesh-Myanmar Maritime Boundary Delimitation in the Bay of Bengal: An Analysis on the Development of International Law

*Md. Kamrul Hasan Arif*

Increasing Status of Criminal Gangs in Post-conflict Nepal: The Case of Kathmandu Valley

*Dr. Dipesh Kumar K.C.*

Water as Human Right: Impact of Thai Binh 1 Thermal Plant Project on Domestic Water Supply of Riverine People in Chi Thien Village, Vietnam

*Dinh Thi Thuy Nga*

## INTERDISCIPLINARY RESEARCH

Locating Nepalese Mobility: A Historical Reappraisal with Reference to North East India, Burma and Tibet

*Gaurab KC & Pranab Kharel*

Culture in Nepal: An Exploration of the Legacy and its Way Forward

*Mamta Sivakoti & Sanjay Adhikari*

Challenges Faced by Communities Moving Away from Chhaupadi in Far-Western Nepal

*Fiona Gui Xiang Wong*

## LEGISLATIVE COMMENT

Bangladesh's Take on Restoring the Parliamentary Control over the Judiciary: New Course through the 16th Amendment to the Constitution

*Syed Morshed Rahad Udin*

## STUDENT ARTICLES

Battered Women Syndrome: Need for Judicial Objectivity

*Dibya Shrestha & Nisha Bhandari*

Human Rights Violation of Transgender People: A Critical Analysis on Bangladesh Perspective

*Puja Mitra*

## BOOK REVIEWS

South Asia China Geo-Economics

*Dr. Atindra Dahal*

Right to Have Rights

*Arzoo Karki*

An Introduction to World Trade Organization

*Sagar Baral & Sampurna Basnet*



**Kathmandu School of Law (KSL)**

Suryabinayak-4, Bhaktapur, Nepal, Ph: 6634455, 6634663,

Email: [info@ksl.edu.np](mailto:info@ksl.edu.np), [www.ksl.edu.np](http://www.ksl.edu.np)

## South Asia China Geo-Economics

*Dr. Atindra Dahal\**

Book's Name : South Asia China Geo-Economics

Author's Name : Prof. (Dr.) Yubaraj Sangroula

Publication : Lex & Juris Publications Pvt. Ltd.

ISBN Number : 978-9937-0-5236-8

5 Chapters and 577 Pages

A prominent scholar and thinker Francis Bacon has categorized books into three kinds. Some are to be chewed; some are to be chewed and swallowed; and some are to be chewed, swallowed then digested too. To rightly and infallibly meet the expectation, a prolific author, lead figure in jurisprudence and a citable epitome in domain of law academia, Prof. Dr. Yubraj Sangroula has recently credited the pool of agog and ardent readers with a landmark piece- a new book, titled 'South Asia China Geo-economics', which truly positions itself on the final benchmark of Bacon's categorization.

The 500 pages long book encompassing highly contemporary issues ranging from international politics to economy, from Asian values to Western culture is such a compressed and condescended document that each of its statements embodies an electrifying and enlightening message.

Apart from many other books, which can be abridged or summarized, as a great surprise to readers, an attempt to review this very book is a gross injustice because there are no written parts which can be shortened and made smaller. In fact, every paragraph of the book is tantamount to a heavy weight book itself in terms of depth analysis of the content and epigrammatically explored ideas.

The author demonstrates bountiful blossom of multi-folds talents and a sixth-sense with unbeatable conviction and unending competence in his writing. His book can easily and convincingly outpace the many books of international weight and wide read cum best-selling tags too.

Besides being linguistically lucid and luring, exercising the words into much playful manner with appreciatively good sense of occasional rhythm in lines, adequate alliterations, intermittent oxymoron adorn the literary and conceptual beauty along

---

\* Dr. Atindra Dahal is Associate Professor at Kathmandu School of Law.

with figurative legacy too.

The author has made an extended cum exclusive analysis on American role in international politics. Unlike the self-proclaimed preaching of White House administration and high-sounding claims of American Medias, the author urges that America's role is always prone to pullulating violence, exacerbating the worse and being provocative to the rest. Instead of resolution builder, America acts as relentless originator of disorder, damages, disaster, and decay. And many of regional or global apparatus like UN are sordidly seduced for serving such purpose of America, the author claims.

Author makes a critical eye and lays a minute diagnosis over the UN's activities and concludes that neither was UN intentionally or practically instituted for peace in its establishment nor has it been promoting so. UN is asymmetrical (to represent the landmass and population) and prejudiced body in terms of its structure as well as it has been largely ridden and cuffed into vested interest of NATO members. Hence it has been a body to manifest the westerners' sufficiently cynical concentration. He asserts that UN is in capitalists' trap since past and at present too. Author validates each of his arguments, against the widely percolated west built meta-narratives, with series of examples and evidences. One to cite among few is the way how UN is always misrepresented to carry disguised American interest over Iraq, Afghanistan and many other nations. Rather than building peace, UN itself has immersed to polish the war and belligerence among nations. Realizing the present lethargy, languidness and listlessness, author has proposed sound reformation strategies to make UN effective and efficacious. Alternative to veto power with 2/3 majority of general assembly is one of reform suggestions.

Westerners' inability and reluctance to tolerate any system that does not fit into their prescription is mere arrogant aggression. But UN has been unable to check or balance it. Libya, Afghanistan, and Iraq are the latest examples of ignoring the Security Council and placing NATO there in, author observes.

The author painstakingly and meticulously observes murky situation that entire America is facing though being illusively covered in ambit of Democracy. Author proves that norms of both international polity and democracies have been broad daylight seduced from American policies. The real cause of every curse and evil the world is facing oozes from America. The unending series of lurking fear of 'world devastation' and looming 'grotesque poverty' around the globe are American products. Author urges that though claiming the banner of peace building, America's manners are directed or resorted to be greatest threat to peace.

The author vividly unfolds the acrimonious and acid reality, that control corporations exercise over American politics is in-concealable and inconsolable too. Making and merchandizing the violence for further worsening of the rest has been America's intent thus intact strategies are followed. It is America, who pullulates the wars, breeds violence, divides world, and provokes nations against one another. With this, America not only positions self at top in fracturing rest of world but also sells huge amount of arms and ammunitions to kill people. Thus, building regressive steps has been

America's fate and fame, ever. Using one country to contain another is what America is now adopting i.e. to India against China, author highlights.

Neither America is democratic in nature nor is it so in functions of government. Author, without point to hesitate, candidly and clearly remarks that it is corporatists' attempt towards 'crypto-colonialism' and 'crony-capitalism'. Widening inequality of income and wealth (top 5 percent of population controlling more than rest of 95 percent, more disease, more deaths and killing and added unemployment as few of the indicators) distribution and added hardship for people with tougher pitfalls to tackle are broadly burning stigmas that America has to feel shame, author notes and notifies.

Besides inking a lot about America's intriguing and disgusting stratagem and ruse on others, author infallibly unfurls a fact that such ploys are perishing pleasure of America, and, thus will sooner turn to be a self-defeating move for America itself.

Not only Dr. Sangroula, even American authors are evidently engaged in detesting and abhorring the Trump enacted administration. Recently published two highly sellable books in America itself 'Fire and Fury' and 'How Democracies Die' respectively ascertain the proposition that Dr. Sangroula has floored and floated.

Author empathically has elaborated China's efforts as different and kind venture for international relation as the latter is believed to have been with distinct feature of common destiny and shared future. America had conjecture of seducing and raping others whereas China has the thought of sufficing the rest to proceed ahead with available support. Author elaborates the BRI initiatives as China's genuine and good sensed motif and prospects as well as mission which from various countries can harness and herald ocean of opportunities through this proposed network and connectivity. A wide quarter of references are produced and arguments are built to justify in what mode and manner many Asian countries can maximize benefits from this project. Author believes that the China's mega business plan on banner of BRI is substantially different than Wests' business efforts to colonize the rest. West colonized and corroborated the indigenous prospect after industrialization but China has intended to gear up the indigenous efforts and facilitate their practice. Thus westerners' bewailing on this mission is mere a perceived fear of defeat, baseless bemoaning and bewailing. Author further adds that western anxiety is mischievously orchestrated grandiose in building anti-China policy or anti-Chinese global mindset. Author treats it as an outcome of defeated and vanquished mentality.

American and Chinese foreign policies and interests are dissimilar. The rising inequality of America and trend of increasing corporate capitalism is explained statistically. The American interest of fueling temper and Chinese interest of fueling trust are juxtaposed. Hence, author believes that China is basing a rise to the new world order. Wests, especially America's interest to evoke confrontation and China's interest to evoke cooperation, thus leveraging world into opposite route, are comprehensively explained.

Very critically, author evinces that America's conceited show of helping India is manner to hinder China, thus to leave the both vulnerable at the end. In case having better tune,

the synergetic strength built from these two countries can neither be compassionate nor be comprehensible nor controllably bearable to America; therefore, America wants to create cleavage in relation between these two countries. Varyingly dissimilar trends on classical civilization among different regions - i.e. European (colonizing) African (revolting but not colonizing) and Asian (tolerating any progress and negotiating) - is another fascinating aspect in the book.

The author heavily delves into exclusive elaboration of relationship between Nepal, China and India and the current status of South Asia too. Realizing that adding new member in SAARC tends to be further problematic, author dissects the existing stagnation of SAARC then proposes some solutions to rekindle it as an effective South Asian regional mechanism.

Author even discloses the certain dimensions of dishonesty, knowingly or unknowingly, made on behalf of Chinese side and that have caused Nepal to be volatile, weak and breakable in many ways in the past. Thus, author urges China to correct such follies. Very convincingly, he drags attention of both neighbors that anything being cooked and intrigued in Nepal should never be undermined as only for Nepal or hitting Nepal, as mostly those are targeted to either India or China in form of only taking a temporal transit here. Thus, building strong, powerful, capable Nepal is a shielding mechanism for both China and India. The root of every strengthening mission begins with self-built, self-reliant and strong economy. Hence, author exhorts and enjoins the government dozens of constructive ideas to supplant remittance based or donation bailed subsistent cum detrimental economy with sustainable self-built one.

The way how NGOs and INGOs have extended and nurtured the vulnerability to worsen the nation is next beautifully crafted section which is hard to desist. Hardly reaching to the needy people while indulged in serving and transporting the Western agendas to build disharmony, discord and cacophony is open-secret business of those institutions. The destroyed West wants to damage the harmony of ours through those NGOs and INGOs, author proves.

The book is authentic as every argument is supported with plenty of real proof inferred from latest researches and observations; and it is referentially well-stocked since around plus 1000 scholars are cited in text.

Democracy, prosperity and rule of law are not subject of export and import. Every country can and should have its indigenous and unaffected modality of practicing it. 'Violence of knowledge' what the west is prorogating to aggravate the beauty and symphony of other country' is well explained and strongly attacked. Human rights violation and poverty cause and result altercations in society and West is begetting those all.

Ruthless raiding and planned plundering of resources through exporting the nasty and exploitative notion of human rights and development are back-lashed beautifully and bountifully.



The book is brimming with breathtaking arguments and spectacular analysis. He focuses that being modern is not aping western culture; it is rather growing and grooming oneself more scientifically and pragmatically. New world order with reverse equation is graphed out in detail. Trump's aggressive antagonism and alien treatment over issues of common concern is next vice for hitherto existing human beings. The author emphasizes the substance rather than procedures of every activity. Asian rule of law, with best culture enclosed with it, is undeniably presented. Hence, he believes that culture is not a commodity thus no ditto transplantation is possible. Rather any culture to sustain has to evolve itself. Besides supplying stark criticism over Western dogma and prejudice, the author sufficiently challenges the yielding of systems, which they believe as best and have coercively dictated in many nations.

What the author has alternatively argued is that developing East is not only a duty with good sense of support and cooperation for global humanity rather it is a moral and legal obligation of the West for the crimes it has committed in the colonies in the past. The author claims that the West has to develop the East to compensate for their past crimes and not only for their purported humanitarian efforts meant to escalate up their sangfroid. This ought not to be of mere humanitarian point of view, rather a judicial and mandatory trail for Westerners. The way how Nepalese are presented as perverted, corrupt and bleak, basically by foreign authors, is in detail elaborated and strongly condemned.

Author argues that generation theory of Human Rights, from which USA further forged the violence of knowledge, and, thus made countries to plunge into perennial deprivation should be demolished. Rule of law is the prime focus. Besides political wrongs, cultural, educational, and behavioral decay in Nepal are equally harmful. Building it better is must but it is not only an exclusively reserved responsibility of leaders, hence author warns and awakens the citizenry too.

Additionally, Human rights for economy versus economy for human rights are convincingly dealt. The *generationizing* of human rights bears strong and stark criticism as it also breeds evils. The author is outspoken to argue that 'grotesque poverty and gruesome disorder' are Western products. The entire world poverty and other blights are begotten from the West'. Micro analysis of these dimensions is meaningfully made throughout the book.

The book is empirically enough and analytically affluent. Trend of harmony versus hegemony promotion are sensibly sprouted. Asian history is always a source inspiration for non-colonialism or for tolerance driven co-existence. Author proves it by taking reference of culture of *Tianxia*, a popular Chinese culture. Author presents series of detail to prove that Asian culture predates and precedes the values of human rights, laws and all expected features of modern day society together with highly focused branches of human knowledge. Therefore UN should not misconceive a belief of being pioneer in the mission of global welfare and goodness.

Political social and cultural erosion and perversion have been largely elaborated as well as urged for correction. The author seems to have still deposited an undefeatable hope and confidence for remedy and rectification. Hence, he advises a lot on how to

overcome the gruesome reality. This read proves that the author is heavily optimistic and proactive.

Besides unbeatably and undeniably convincing subject matter, the other technical aspect of the book i.e. paper quality, type-face and needed graphs and picture as well augment, amount to better readability.

Noting these characteristics and import of the book, I believe, this should be translated into Chinese and other languages too. All academic institutions should take it as a prime reference for productive orientations and debates. This is a book which may virtually outplace many of the books written here-so-forth. Reading it makes me feel it is a landmark piece that might perfect a whole generation of human race.

**A must read!!**