



नेपाल सरकार

संघीय मामिला तथा सामान्य प्रशासन मन्त्रालय  
(वातावरण तथा विपद ब्यबस्थापन शाखा)

प.सं ०७६१७७

च.नं ३८६




मिति: २०७६।११।०६

श्री काठमाण्डौ महानगरपालिकाको कार्यालय,  
नगरकार्यापालिकाको कार्यालय, काठमाण्डौ ।

विषय : आवश्यक व्यवस्था गर्ने सम्बन्धमा ।

प्रस्तुत विषयमा गृह मन्त्रालयको च.नं २६५३, मिति २०७६।१०।२४ को पत्रवाट जर्मन राजदुतावासको छिमेकमा भएको निर्माण कार्यले राजदुतावास परिसरमा क्षति पुगेकोले उक्त राजदुतावास परिसर अतिक्रमण रोक्न आवश्यक समन्वय गरिदिनु हुन भनी अनुरोध भई आएको पत्र यसै साथ संलग्न राखी आवश्यक सहजीकरणका लागि तहाँ पठाईएको व्यहोरा अनुरोध छ ।

  
विष्णुदरी बराल  
शाखा अधिकृत



पत्र नं. ७५६/११.१  
visit Nepal 2020

यसको लागि धन्यवाद

नेपाल सरकार

# गृह मन्त्रालय

(शान्ति सुरक्षा तथा अपराध नियन्त्रण शाखा)

दर्ता नं.:-

मिति:-

१०८८६  
२०७६/१०/२४

फोन नं.: ०१-४२११२०८

०१-४२११२१४

फ्याक्स: ०१-४२११२८६

०१-४२११२५७

इमेल: control@moha.gov.np

पत्र संख्या:- शा.सु.०७६/०७७/५

प्राप्त पत्र संख्या र मिति:-

च.नं.:- २६५३



सिंहदरवार,

काठमाडौं, नेपाल ।

मिति: २०७६/१०/२४

विषय:- सुरक्षा व्यवस्था सम्बन्धमा ।

श्री संघीय मामिला तथा सामान्य प्रशासन मन्त्रालय,  
सिंहदरवार, काठमाडौं ।

काठमाडौंस्थित जर्मन राजदुतावासको छिमेकमा भएको निर्माण कार्यद्वारा राजदुतावास परिसरमा क्षति पुगेकोले सो कार्य रोकी राजदुतावास परिसरको सुरक्षा र अनतिक्रमण्यता सुनिश्चित गर्न उच्च प्राथमिकताका साथ समन्वित निकायसंग समन्वय गरी यथाशिघ्र उचित निर्णय हुन र कार्यान्वयनका लागि निर्देशन दिन हुन भनी परराष्ट्र मन्त्रालय (शिष्टाचार महाशाखा) को च.नं. ७७४८, मिति २०७६/१०/१९ को पत्रवाट अनुरोध भई आएको हुँदा (यस भन्दा अघि पनि पटक पटक पत्राचार गरेको) उक्त राजदुतावास परिसर अतिक्रमण रोक्न आवश्यक समन्वय गरी दिनुहुन आदेशानुसार अनुरोध छ ।

बोधार्थ:

श्री परराष्ट्र मन्त्रालय,  
(शिष्टाचार महाशाखा), सिंहदरवार ।

(अमरदिप सुनुवार)

शाखा अधिकृत

श्री परराष्ट्र मन्त्रालय  
११/१९



Ref.: Vw 264.20  
Note No. 22 / 2020

*Prasad*  
*9019E*

Note Verbale

The Embassy of the Federal Republic of Germany presents its compliments to the Ministry of Foreign Affairs, the Government of Nepal, and referring to its earlier communication regarding this same matter, has the honour to request the Ministry of Foreign Affairs for further assistance in the matter of illegal excavation activities beneath the Embassy's boundary wall. The works of this neighbour (Mr. Shishir Nahata) have already damaged this Embassy's property which must not be tolerated any longer.

The objective of his move, which Mr. Nahata's technical team openly proclaimed, is to dismantle the existing Embassy wall and replace it by a construction of his own and by doing so encroach onto the Embassy's property. Having undertaken the dangerous excavation with this aim and without the legally required consultations with neither authorities nor neighbours, is perceived as a physical aggression against the integrity of an Embassy, with all the consequences for the upholding of obligations under the Vienna Convention on diplomatic relations.

Immediate temporary measures for the safety and security of the Embassy's integrity and property have been requested repeatedly. The initiated excavations together with the erosion that has set in due to vibrations in the ground and rainfalls have not missed the aim envisaged by Mr. Nahata to destroy the Embassy's property. In addition to the imminent threat stated by engineers that landslides may occur and the Embassy's wall and internal structures may come down at any moment, the cracks documented at the steep cuts of Mr. Nahata's excavations have widened dramatically. First cracks inside the Embassy's premises have been documented on 23 January 2020 (see attached photos). Relevant areas of the Embassy have been unfit for use since 23 December 2019 already. Although this

Embassy holds Mr. Nahata liable for all the damage occurred (Verbal Note no. 311/2019 dated 23 December 2019), its representatives have actively communicated with Mr. Nahata about the interim safety measures as well as the consultations concerning the final construction to be undertaken, in order to do its share to good neighbourly reaction. But it must conclude that there will be no valid proposal forthcoming as long as the daily erosion brings Mr. Nahata closer to his original goal.

This Embassy therefore urgently calls upon the Government of Nepal's good offices to support one of the following possible immediate actions to be finalized before April 2020:

- 1) to undertake immediate and effective repair of the structural damage incurred to the foundations of the Embassy's property involving structurally safe measures including back-filling with adequately compacted layers of soil taken out at the border area between the two plots; the slope to be built at a 45° angle starting from the original ground level;
- 2) to have a structurally designed metal plates and bars reinforcement in place to protect steep and fragile cut areas that arose from illegal excavation undertake in the area adjacent to the Embassy walls;
- 3) to have a fully designed stone support walls and concrete reinforcement as required at the steep cut areas built up to the previous ground level at a reasonable angle.

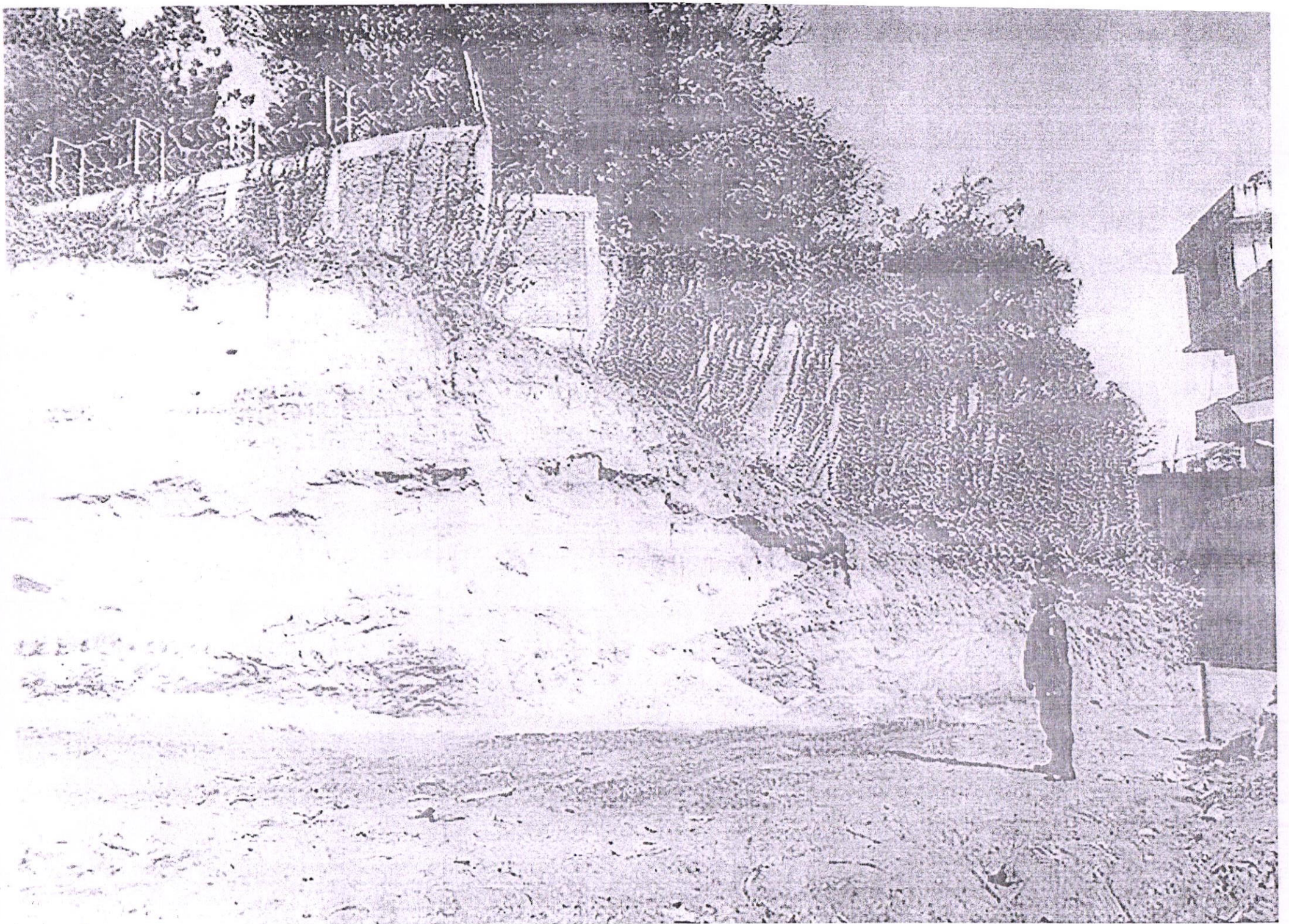
As Mr. Nahata has shown himself unwilling so far, the Embassy would commission an engineering firm in Nepal to present drawings and calculations and would expect the Government of Nepal to provide security for the Embassy's contractors to carry out the works on Mr. Nahata's property. Meanwhile, it is proposed that full construction and development of the site should be taken forward only in compliance with Municipality regulations and review and concurrence of the Embassy of the design and construction plans that can take place after the site is reliably secured. The Embassy would appoint engineers to review the proposed designs and monitor the works to ensure their compliance to minimum safety and security standards of the Embassy.

The Embassy of the Federal Republic of Germany avails itself of this opportunity to renew to the Ministry of Foreign Affairs, the Government of Nepal, the assurances of its highest consideration.

Kathmandu, 30 January 2020



Ministry of Foreign Affairs  
Government of Nepal  
Department of Consular Services  
Narayanhiti  
K a t h m a n d u



## Photographic evidences of cracks in slope of neighbour's plot

Photo 1: 30 December 2019, The upright portion of the slope has no significant cracks



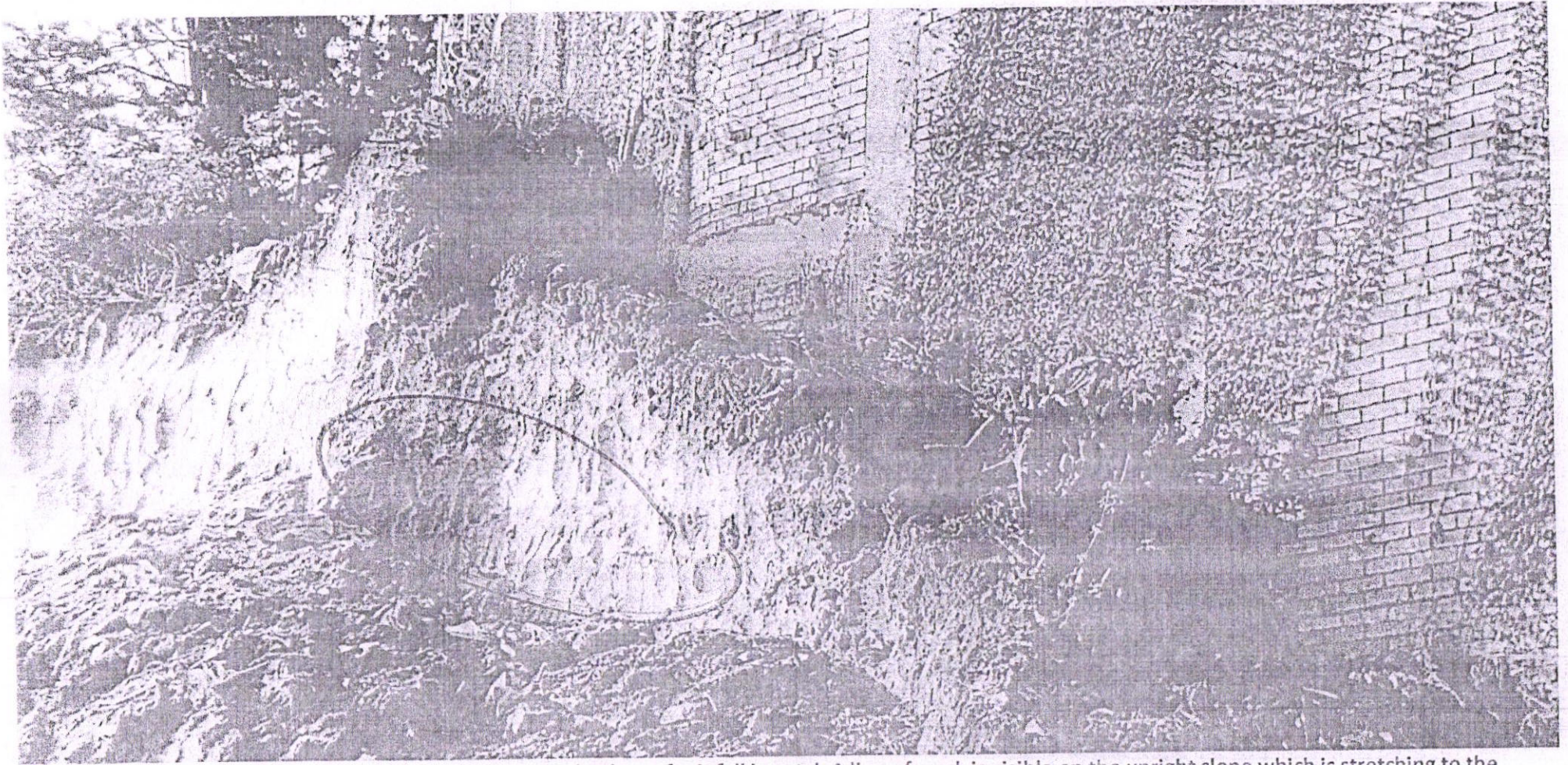


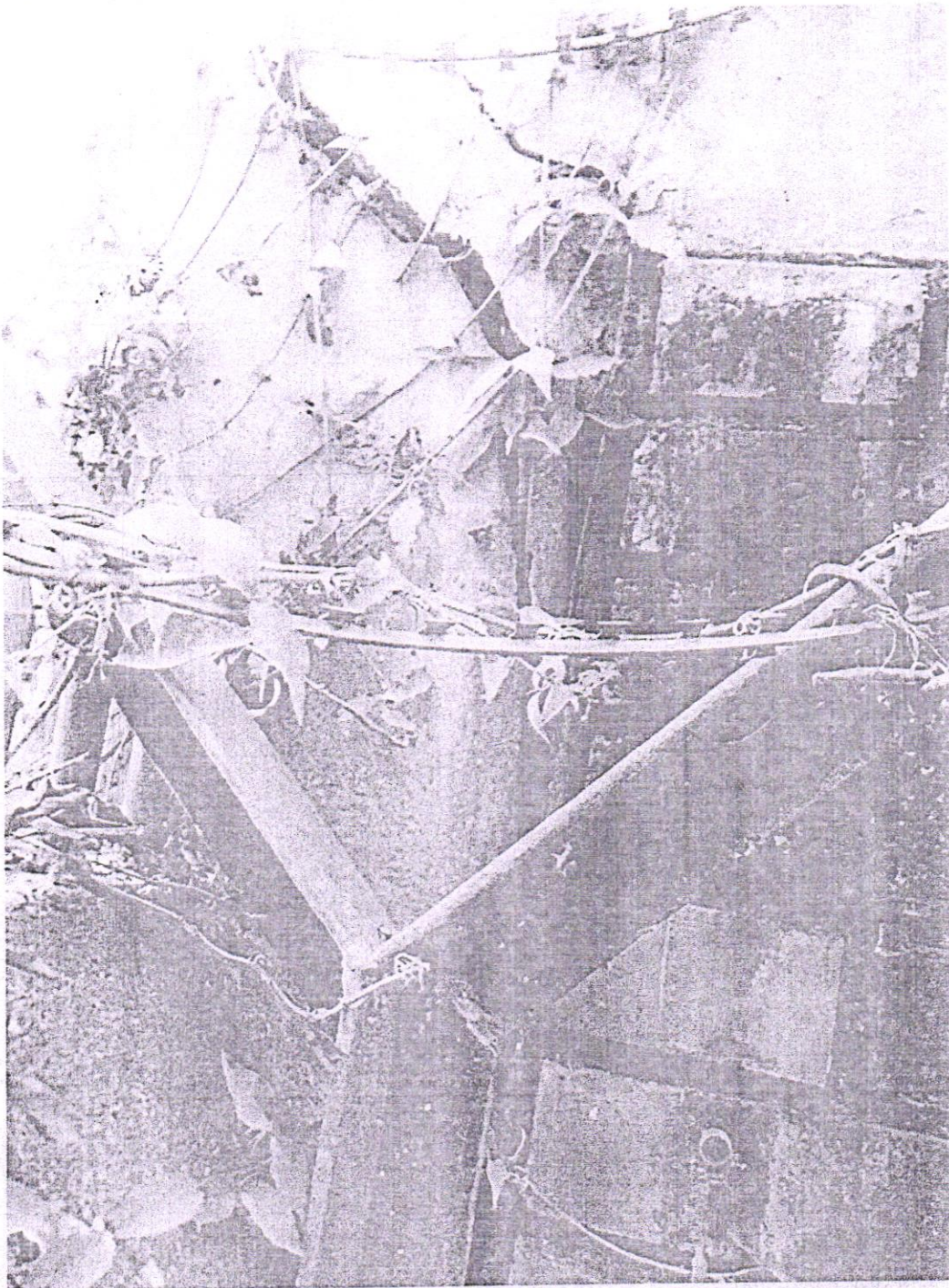
Photo 2: Jan 18 2020. Till this day, the slope has sustained 4 days of rainfall in total. A line of crack is visible on the upright slope which is stretching to the dumped soil

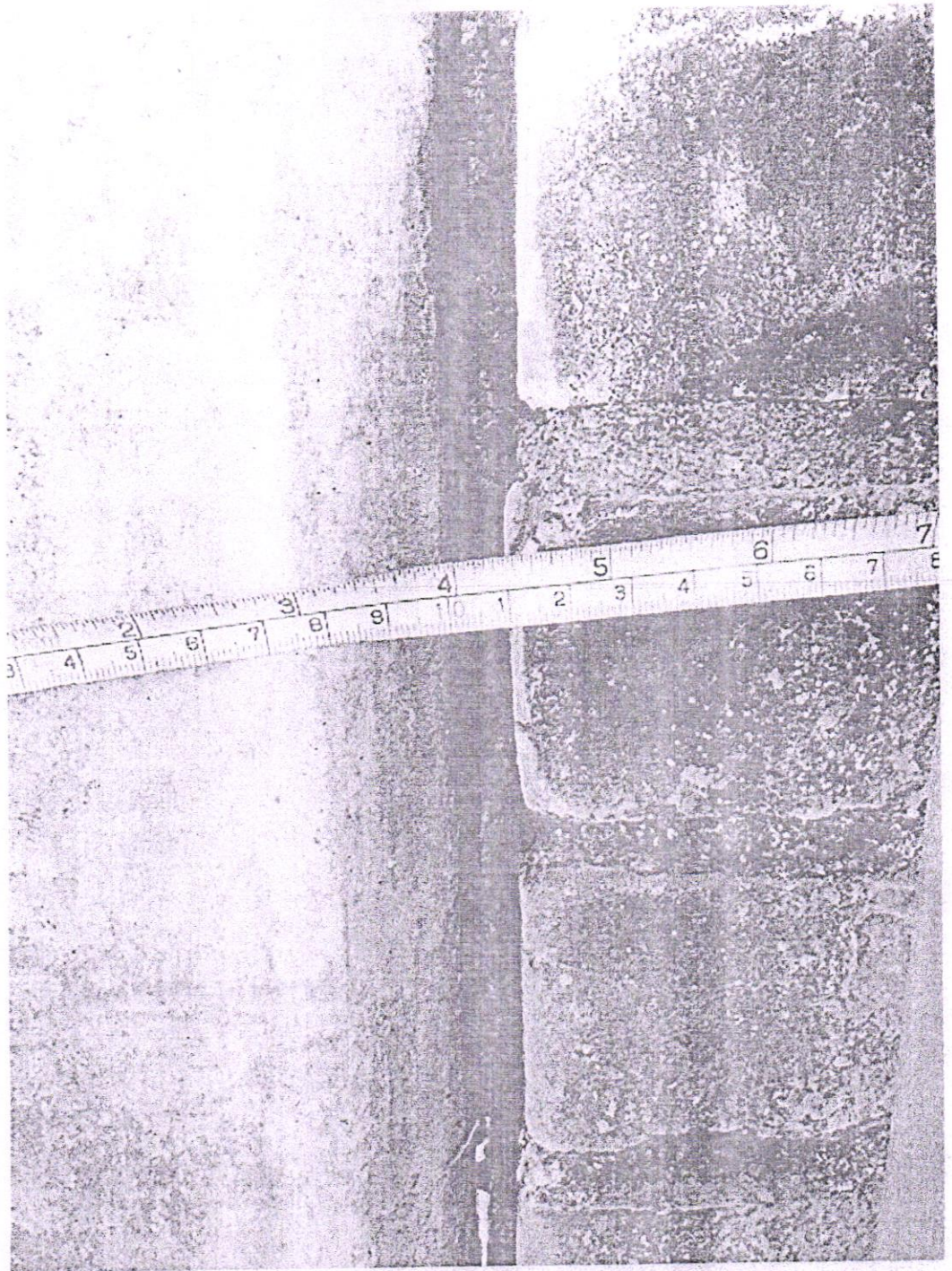


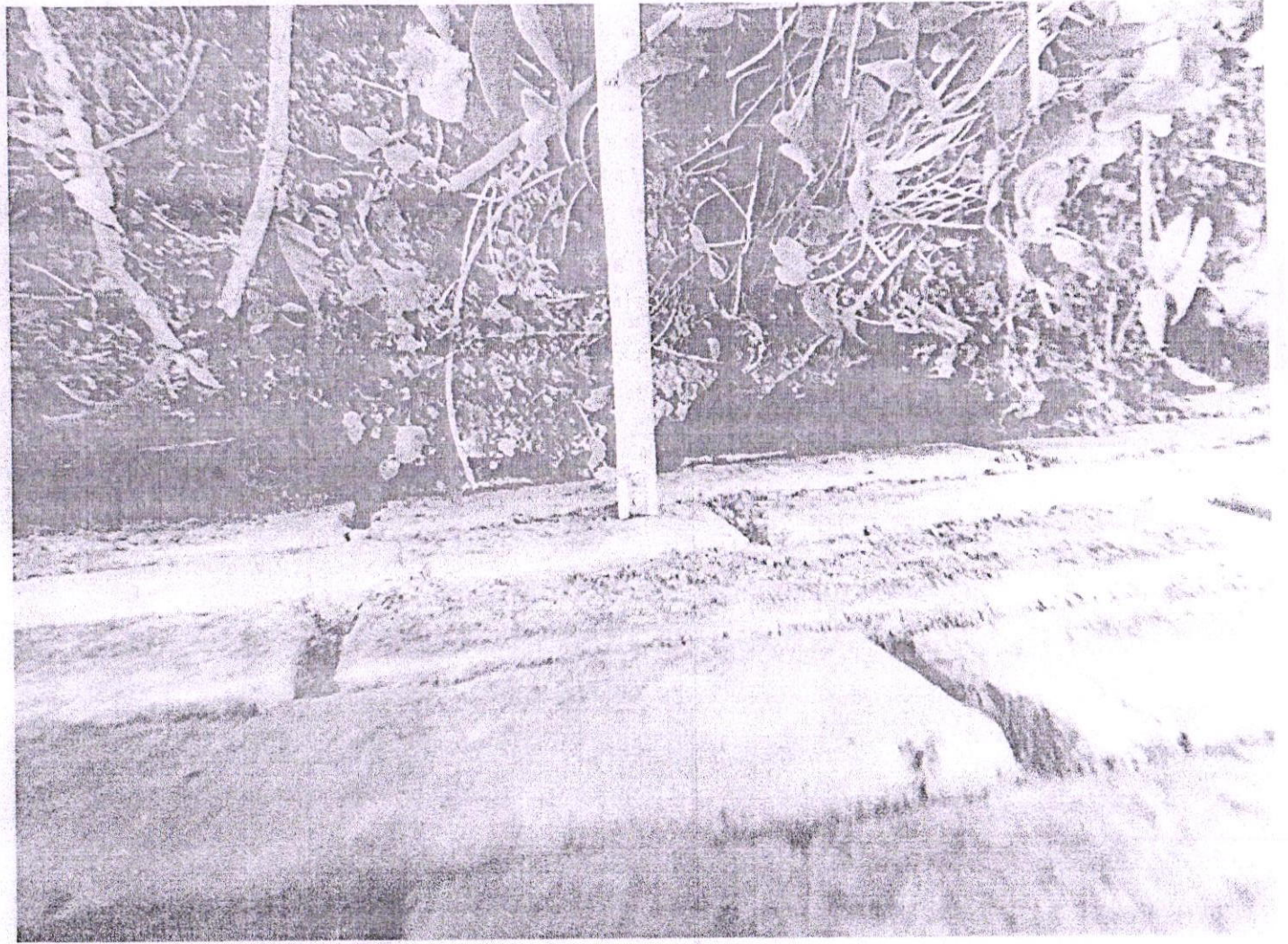


Photo 3: 24 Jan 2020, In addition to the crack, settlement of soil mass is seen in the dumped portion leaving a gap with the upright slope. This might be due to consolidation of soil due to rain.

Photo 4-6: 30 Jan 2020, Damages visible INSIDE the embassy due to settling of the soil caused by the missing support after the excavations. The walls have started cracking in an alarming way.









Ref. No.: Vw 100  
Note No.: 299 / 2019

Note Verbale

*Chief of Protocol  
Pls. take up this  
with relevant  
authorities  
asap.*

*As  
C/EE*

The Embassy of the Federal Republic of Germany presents its compliments to the Ministry of Foreign Affairs, Government of Nepal, and has the honour to officially ask for the Government's protection against illegal encroachment on the German Embassy's premises, by its neighbor to the south. As the photos in annex show, the contractor working on the neighbouring plot has already excavated the height of more than 20 feet or 7 meter of different layers of soil and sand, directly at the border to the Embassy's plot. This seriously imperils the stability of the embassy boundary wall, existing embassy buildings and of the terrain in general. Apart from threatening the property of the German embassy, it poses a safety hazard to the diplomatic personnel working in the Embassy and, on top of it, breaches the security protocol which an Embassy must follow.

The encroachment was discovered today, 11 December 2019, by our staff, and occurred the day before. This Embassy wishes to bring to the Government's attention that the whole construction work on the neighbouring plot was started and is being executed without any form of prior consultation with the Embassy as a neighbour, neither by the proprietor, the constructor nor city officials.

This Embassy wishes to make an urgent appeal to the Government of Nepal for protection, with immediate effect.

This Embassy suggests an urgent intervention by the appropriate State authorities to immediately and effectively stop the ongoing work and have the structural damage to the foundations of Embassy property repaired, such as filling back the layers of soil sand already taken out at the border area between the two plots.

This Embassy would be grateful for official information on the planned construction work in its neighbourhood, including technical details, so that a proper vetting process can be started, if belatedly.

This Embassy wishes to assure the esteemed Ministry of Foreign Affairs of its intention to fully cooperate in the necessary vetting process and of its wish to foster good neighbourly relations in the area where its premises are located.

The Embassy of the Federal Republic of Germany avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Government of Nepal, the assurances of its highest consideration.

Kathmandu, 11 December 2019

Government of Nepal  
Ministry of Foreign Affairs  
Department of Consular Services  
Narayanhiti  
Kathmandu





Ref. No.: Vw 100  
Note No.: 299 / 2019

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Kathmandu, 11 December 2019

L.S.

Government of Nepal  
Ministry of Foreign Affairs  
Department of Consular Services  
Narayanhiti  
Kathmandu