

Nepali Democracy: A Guide to the Ruins

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1. Nepal's modern political history: a thumbnail sketch

The political history of Nepal in its current shape and form begins with the 'unification' of the country during the late 18th century by a military force recruited from the hill communities of west-central Nepal by the Shah kings of Gorkha. Continued expansion led to conflict with the British, and the establishment of agreed political boundaries in 1816. In the mid-19th century there began a 105-year period of autocratic and often repressive rule by the Rana family. The Ranas established a Legal Code which ranked the entire population in a caste hierarchy, and intermarried with the Shahs to produce a landed aristocratic elite. This elite still possesses significant business interests and occupies most positions of senior command in the Royal Nepal Army.

Nepal's first political parties (the Praja Parishad, the Nepali (National) Congress, and the Nepal Communist Party) were established during the 1930s and '40s. The departure of the British from India strengthened the hand of anti-Rana forces (both liberal and monarchical), which brought about the end of the regime in an Indian-sponsored political settlement in 1951. The new political dispensation led eventually to the election of a Nepali Congress government in 1959, but in December 1960 this was dismissed by King Mahendra, using emergency powers granted by the 1959 constitution. Mahendra claimed that the government was failing to maintain law and order and was endangering Nepal's national sovereignty, and many of its leaders were imprisoned or exiled. The Panchayat system, established in 1962, was presented as a system of grassroots democracy that was better suited to Nepal's traditions and conditions than the imported Westminster parliamentary model, but this became increasingly unrepresentative, exclusive and corrupt and was finally dismantled in the wake of the 'People's Movement' (*Jan Andolan*) of 1990. The Jan Andolan reinstated multi-party democracy and established the belief (which recent events suggest may have been misplaced) that the monarchy would henceforth fulfill a purely constitutional role.

These three dates (1950-1, 1960, 1990 or, in Nepali, *saat saal, satra saal, chayaalis saal*) are inscribed on the Nepali political memory. They possess huge symbolic importance and are regularly invoked in discussions and analyses of the current situation.

The Nepali Congress and the Communist Party of Nepal (United Marxist-Leninist) were the principal party political forces from 1990 until the dissolution of parliament in 2002. The Congress was in government, either solely or as a member of a coalition, for most of the period, while the UML served as the main party of opposition, with a brief spell in office 1994-5. These years witnessed a growing public disenchantment with the new dispensation, of which the most extreme manifestation was the People's War, launched by the Communist Party of Nepal (Maoist) in February 1996. The insurgents were quickly able to carve out 'base areas' of exclusive Maoist control in the mid-western hills, opposed only by a demoralised police force. The Royal Massacre of June 2001 came at a time of increasing violence between the Maoist militia and the state's security forces. After a three-month lull during which negotiations took place, the Maoists resumed the armed struggle and a state of national emergency was declared in November 2001. The Royal Nepal Army was deployed against the Maoists, now labelled as 'terrorists', and nine months of civil war and military rule ensued, claiming the lives of some 4000 people. The vast majority of these fatalities were either Maoists or civilians killed during army actions.

2. Causes of the Maoist insurgency

Since the mid-1990s there have been two regimes in Nepal. In Maoist-controlled areas, villagers have long had to choose between support, acquiescence, opposition, or flight—and none have supported the government as wholeheartedly as *some* have supported the Maoists. The Maoist regime remains largely intact in many hill districts, and a few lowland areas too, right across Nepal. The insurgency met with rapid success because of the ease with which it was able to enlist and indoctrinate disenchanted young people (both male and female) and terrorise real or potential opponents and rivals. As a member of the National Human Rights Commission explained to me last year, the Maoist insurgency is really only a crop. It would not flourish if the soil was not fertile.

Employing the same metaphor in a reference to the Royal Nepal Army's anti-insurgency campaign, which was on-going at the time, he said that even if a crop is cut down, the soil's fertility remains.

Here I will argue that the causes of the insurgency can be divided into two categories: political and socio-economic. The 'political' issues are of primary concern to the Maoist leadership, which could be spoken of as the 'head' of the Maoist body. The socio-economic issues are of greater concern for the Maoist cadres and grassroots followers, i.e. the Maoists' hands and feet.

2.1 Political causes

2.1.1 The continued power of the palace

Despite its supposed 'constitutional' status, the royal palace continued to exercise considerable power and influence after 1990, particularly (but not only) in respect of the control of the Royal Nepal Army. It is clear in retrospect that although King Birendra as an individual may have been happy with his constitutional status the palace as an institution was restive, and possibly biding its time, in the knowledge that Article 127 of the 1990 Constitution also granted residual powers to the king. It is of particular significance that the long delay in deploying the Royal Nepal Army allowed the insurgency to grow out of control. In the sense that both the palace and the Maoists were unconvinced of the merits of multi-party democracy (which was rapidly falling out of public favour too), they shared certain elements of their otherwise very different political agendas. Safe in the knowledge that the Royal Nepal Army could be called in if and when an opportune moment arose, the palace probably felt relatively unthreatened by the Maoists' avowed republicanism.

2.1.2 The corruption of elected politicians

Serious shortcomings began to become apparent in the conduct of Nepal's elected politicians after the early 1990s. Many used their positions to form what Joanna Pfaff-Czarnecka has described as 'distributional coalitions' in order to enrich themselves and reward their supporters. For most Nepalis, democracy after 1990 was a game played by

politicians at the centre which brought them very few rewards. The parties were also guilty of extreme short-termism in their response to the ‘People’s War’, which they often used as a stick with which to beat their rivals. All of this now makes it possible for many Nepalis to blame the whole mess on party politics—which is music to both royal and Maoist ears.

2.1.3 The oppression and exclusion of minor parties

A left-wing party called the United People’s Front (*Samyukta Jan Morcha*) managed to win nine seats in the 1991 general elections, making it the third largest party in the 1991-4 parliament after the Nepali Congress and the UML. During these years, there were three contiguous UPF constituencies in the mid-western hill districts of Rukum and Rolpa, surrounded by a swathe of Congress-controlled constituencies. UPF members and supporters were subjected to repeated persecution by government officials belonging to the ruling Nepali Congress party in these areas, with notorious cases including police firing on a school cultural show and the arrest and torture of the Chairman of the Rolpa District Development Committee.

After the UPF split in 1994, the two factions that emerged from the schism each applied for recognition by the Electoral Commission. One faction was recognised, the other was not, and in the 1994 election the recognised UPF failed to win a single seat. In February 1996, having renamed itself the Communist Party of Nepal (Maoist), the unrecognised faction announced that, because the Congress-led coalition government had failed to respond to a list of 40 demands submitted by the UPF, it had launched a ‘People’s War’ (*jana-yuddha*). In this connection, it is worth pointing out that Nepal’s electoral laws stipulate that in order to register for and participate in a general election a party should have secured 3% in a previous election. The smallest parties are thereby permanently excluded from the electoral process and given no opportunity to grow.

2.2 Socio-economic causes

2.2.1 Poverty

Nepal is a country of profound inequality. Average income in Kathmandu is five times higher than income in the mid-western districts that have become the Maoist heartland,

and there are poorer districts still. Nepali poverty is not just of a material nature: it is also a poverty of education, exposure and ideas. Foreign commentaries on the Nepali Maoist phenomenon often express astonishment that a revolutionary ideology that has long been out of fashion in the rest of the world should experience such a dramatic resurgence in Nepal, and often suggest that the Nepalis should have learned from the calamitous experience of the Tibetans, if not Cambodia. However, the Maoist leadership feels able to state without fear of alienating its followers that the crimes of the Khmer Rouge are not established facts, while its followers can point out that many Tibetans now have piped water and reliable supplies of food and electricity, even as they themselves continue to subsist in medieval conditions. What value is placed on cultural and political freedoms by people who must struggle for their basic material needs?

2.2.2 Exclusion

The majority of Nepal's people are excluded from most avenues of personal advancement and many sources of justice for reasons of ethnicity, caste, gender, social class and regional origin. This exclusion is frequently described in terms of the 'high' castes (Bahuns and Chetris) plus the Newars having access to more than their fair share of power and the nation's resources. There is much truth in this, as a glance at the caste/ethnic composition of every legislative body and professional organisation amply demonstrates. However, at an everyday level the situation is actually more complex. For instance, the Matwali Chetris of the far west are among the poorest Nepalis, while Brahman women may be said to be much more disadvantaged in comparison with their menfolk than women from Tibeto-Burman speaking hill ethnicities.

2.2.3 Centralisation

Nepal is profoundly Kathmandu-centric. The fact that the Maoist insurgency was not properly addressed by the government until it had assumed massive proportions can be explained at least partly in terms of the ruling elite not having any political nerve endings in the districts that were most affected by it. To put it simply: a political demonstration, an assassination, an abuse of human rights that takes place in the Kathmandu valley has an impact many hundreds of times greater than a similar event elsewhere in Nepal. And is it overly cynical to suggest that English-medium seminars on 'development', 'empowerment', 'poverty alleviation' and 'good governance' that are attended by people who fly in and out of the Valley, without breaking sweat on a hill path or spending a night somewhere without power or piped water, are as much a part of the problem as they are a solution? Why is it that a well-known local NGO can raise money with ease to fund

an international conference, accommodating its foreign participants in a five-star hotel, but must struggle to fund the establishment of a public-access social sciences library?

2.2.4 Under-achievement

There is in Nepal an explosive combination of widespread literacy and mass un- or under-employment. Many more 16 year-olds fail the School Leaving Certificate each year than pass it. The dreadful condition of Nepal's state education system has led to the emergence of hundreds of private English-medium 'boarding schools', often charging exorbitant fees. There is a clear correlation between SLC failure and membership of oppositional groupings, and since the Panchayat period and the establishment of university campuses in every zone, it has been common practice for the political parties to use the student unions affiliated to them as political battering rams. There can be few countries in which student unions can achieve near-complete national shutdowns of business and vehicular transport at regular intervals.

Nepali state education encourages children to despise their village background and to seek to escape from it, but Nepali society and the Nepali economy offer few avenues for this and an increasing number of families rely heavily on foreign remittances. Each Gulf Air and Qatar Airways flight between Kathmandu and the Middle East carries a large number of unskilled Nepali labourers who endure extended periods working in very poor conditions. A recent recruitment exercise to fill 800 positions in South Korea attracted a total of 34,000 applicants. These applicants, from almost every district of Nepal, were required to submit a fee of Rs.180,000 (US\$ 2360) and attend a selection interview in Kathmandu. Successful applicants were to be placed in positions which would earn them a monthly salary of Rs. 33,000 (US\$ 433). This is roughly four times the salary of a senior university professor in Nepal.

2.2.5 Maoist reforms

Against this background, and despite their often vicious treatment of those who opposed them, the Maoists effected genuinely beneficial reforms at village level in areas under their control. They forced local moneylenders to reduce their usurious rates; they provided a system of justice that may have been summary but was at least transparent and did not dispense justice on the basis of bribes; they addressed the resentment of many minority ethnic communities by outlawing the teaching of Sanskrit, a symbol of Bahun

domination, in schools; they pleased women's groups by outlawing the sale of alcohol in several districts, and so on.

3. The current political situation

If there are presently 'two regimes' in Nepal, then there are also three political forces: the Maoists, the palace, and the parliamentary parties. The leading Maoist ideologue, Baburam Bhattarai, has characterised the relationship between them as a 'triangular balance'. He describes the king as the 'old regime', the Maoists as the 'new regime' and the parties as the 'third forces', whose function is to serve as a balancing actor. In actual fact, however, each of the three forces have been busily engaged in trying to prevent any rapprochement between the other two. The Maoists would see an alliance between the palace and the parties as a reinforcement of the 'old regime'. The palace would find it difficult to face off an alliance between the Maoists and the parties. The parties fear that a Maoist-palace coalition (an ideologically bizarre marriage of convenience) would consign them to the wilderness.

There is of course no parliament. This was dissolved in May 2002 after the then prime minister, Sher Bahadur Deuba, recommended an extension of the Emergency and announced November elections. Deuba himself was dismissed by the king on 4 October 2002, on the grounds that he was 'unable' to stage general elections. The whole of Nepal thought back to 1960.

Since October 2002 there has instead been a cabinet of ministers appointed by the king: these were supposed to be individuals with 'clean images' and no political ambitions. Until his resignation on 30 May (see below), the government was headed by Lokendra Bahadur Chand, a previous Panchayat prime minister and a member of the pro-palace National Democratic Party (*Rastriya Prajatantra Party*). The Nepal Sadbhavana party supplied the deputy prime minister, but no other party was represented.

Five of the main political parties launched a 'movement' for the restoration of parliament or the establishment of an all-party government in early May. The majority of their

members are profoundly distrustful of the palace's intentions, which they suspect might be to appoint a government with a hand-picked, token party representation. A minority is tempted to draw closer to the palace, which is effectively where all power is located at present, and feel uncomfortable with the somewhat strident anti-monarchy rhetoric emanating from certain of their leaders. The left parties find the distance between themselves and the Maoists narrowing as the Maoists moderate their position. Thus, the possibility does exist at some point in the future of the party bloc peeling off on both sides, with one splinter group of Left politicians joining the Maoists and another, further to the right, allying itself with the un-elected government.

Public support for the parties' 'movement' has not been particularly extensive or enthusiastic so far. None the less, its leaders claimed to have achieved something of substance when the prime minister, Lokendra Bahadur Chand, resigned from his post on Friday 30 May. The parties were asked to come up with a 'consensus candidate' to replace Chand as prime minister, and Madhav Kumar Nepal, the secretary-general of the UML, emerged as front-runner. Predictably enough, the Maoist leadership did not welcome this development, declaring that it was intended simply to prolong the negotiations unnecessarily, and made no material difference. Their skepticism appeared to have been vindicated when the king announced that Lokendra Bahadur Chand would be replaced by Surya Bahadur Thapa. Like Chand, Thapa is a former Panchayat-period prime minister, and a member of the pro-palace, Rana-dominated, RPP. Unlike Chand, however, Thapa has been given the task of appointing ministers to a government vested with executive powers, and has declared his determination to secure all-party representation in the new government. This is likely to produce strains within the two largest parties, between those who wish to participate and those who wish to continue their protest.

4. The Negotiations

The ceasefire agreement concluded with the Maoists on 29 January was probably due to a recognition on both sides that neither could win militarily and that 'foreign forces' were beginning to take an unhealthily close interest. The Maoist negotiating team is now

‘overground’ in Kathmandu. There is no longer a price on the heads of the Maoist leadership, nor is the CPN (Maoist) classified by the government of Nepal as a terrorist organisation. The involvement in the talks of senior members of the Maoist leadership (for instance, Baburam Bhattarai, mentioned above, and Ram Bahadur Thapa, alias ‘Comrade Badal’, the Maoists’ military commander) indicates a certain seriousness of intent, although the ‘supreme leader’, Prachanda, remains underground. A code of conduct for the talks was agreed, and meetings between the Maoist and government teams took place on 27 April and 9 May. The Maoist team has recently proposed (and, amazingly, the government team appears to have agreed) that the next session should be convened in the largely Maoist-controlled district of Rolpa.

The Maoists’ main political demands are as follows: (a) a roundtable conference involving all ‘democratic, patriotic, and Left forces’, (b) an interim government which reflects the ‘new balance’ of political forces without compromising the rights granted by the 1990 Constitution, and (c) the election of a constituent assembly consisting of representatives of all classes, regions, castes/ethnicities, genders and communities. The Maoists also demand that their ‘People’s Liberation Army’ and the Royal Nepal Army should be merged and brought under civilian command; an end to Gurkha recruitment; greater control of movement across Nepal’s border with India; an end to foreign monopolies in industry and commerce; the liberation and upliftment of backward communities; the declaration of Nepal as a secular state; land reforms; free education and health care for all; and the abrogation of the ‘unequal’ 1950 treaty with India. They no longer demand a republican state, and are prepared to discuss a ‘new model’ of democracy.

The palace, of course, is anxious to keep the Maoists and the parties separate. In the negotiations, its team is likely to lay stress on humanitarian issues and prolong the talks. There is little sign of any real long-term vision, and there has been no announcement of elections. The Royal Nepal Army’s objections to, and subsequent refusal to abide by, the agreement reached in the talks held on 9 May to restrict the army’s movements to within 5 kilometres of district headquarters suggest that the government negotiating team may

not be able to deliver on agreements. Nor have the promised releases of imprisoned Maoist leaders taken place to date. The palace may seem strong at present, but in the longer term it is probably the most threatened of the 'three forces'. A Maoist-monarchy coalition would be highly volatile and the Maoists would surely see it as a staging post on the way to a republic.

Writing in the *Nepali Times*, Pushkar Gautam has observed, "If the talks succeed the king will get credit for it; if they fail the parties will get the blame. Thus the Maoists and the palace share the same purpose." However, the word 'success' is not defined. 'Success' is surely only achieved when there is a firm prospect of a lasting peace and an environment in which the socio-economic causes of the insurgency can be addressed with confidence. A stable and sustainable political settlement is the most urgent requirement—but, after an optimistic start, the atmosphere of trust between the two sides appears to be deteriorating.

5. Some concerns

A longterm, stable peaceful solution has to involve the parliamentary parties. In a free and fair general election, it is widely believed that the Maoists would perform poorly, and come third at best to the NC and UML. They have achieved the influence they now possess because they were prepared to resort to lethal force and because the state's response was both confused and hamfisted. While many Nepalis have no difficulty in signing up to the Maoists' analysis of Nepal's ills they are seen more as an oppositional force than a potential future government, and their violent methods are widely abhorred. Although it is unlikely that a Maoist Nepali national government could ever come to power via the ballot box, a rehabilitated CPN (Maoist) could surely win parliamentary seats. The idea is abroad in Kathmandu 'civil society' circles that since the political parties are the cause of the current problem they should be kept in the wilderness. This is unrealistic because it ignores the fact that the political consciousness of the ordinary Nepali citizen, and the main organising principle of Nepali political life, is primarily party-oriented. Thus, a return to a partyless Panchayat style of government would not deliver political stability.

There is also a danger that a political solution might be reached that decapitates the Maoist movement by providing the Maoist leadership with some share in the running of the state while the socio-economic grievances that fuelled the village-level insurgency go largely unaddressed. While the leaders will not ‘go back to the jungle’ their followers may mount a new insurgency. As Chandradev Joshi wrote in *Kantipur* on 13 May (my translation):

“The role the Maoists have played from their birth until today, the so-called ‘Prachanda Path’ they have propagated, and the inhuman character they have shown in the name of ‘people’s revolution’ has always strengthened and helped the regressive forces, and only the regressive forces. The thousands of revolutionary youths in the Maoists who are queuing up to cheerfully sacrifice their lives for the revolution will be offended when I say this, but the leadership gives no grounds or basis for saying anything else. Perhaps when you go walking through the villages those orphans, those widows, the empty eyes of the mothers whose children have died—and whether they were killed by government oppression or Maoist bullets the Maoist People’s War is the basic cause—they will look at you and their silent question will be: ‘If this is what it was all for, why are we like this now?’ And you will have no reply”.

The final concern must be that if the palace government refuses to compromise, and fails to deliver on agreements made with the Maoists in the negotiations, the talks will break down. Western donors might then return to simply arming the security forces, and people will begin to die again for no purpose and with no prospect of any solution in sight.