

Nepal: King, Constitution or Chaos?

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Good afternoon, friends.

In my visit to Nepal last month, I found the residue of euphoria of the struggle between the King and the people that had resulted in the King's backing down. The formal fighting between the government and the Maoists seemed to be at an end. There was an air of guarded optimism that a road map to peace, a new constitution and a new form of government was laid out for the country. This was a remarkable turnaround for the people and the country in a relatively short time.

Before we celebrate too quickly, however, let's review how the country arrived at this place.

History

- Never colonized, did not inherit institutions from a colonial authority; its governance has been home grown.
- Hereditary prime ministership under the Rana family for over a hundred years up to 1950 when a ruling monarchy was restored.
- First elections in 1959 but this experiment was short-lived; King resumed full powers in 1960 and established the panchayat government, banning political parties in subsequent elections.
- After agitation in late 1980s, King chose to yield power to an elected Parliament with parties rather than face violence and bloodshed.
- The democratic experiment lasted through the 1990s but were marked by complete dysfunction in the terms of what we understand as good governance: incompetence by the political parties, increasing corruption, poor record of designing and implementing public policy and programs.
- Result was growing frustration and crushed expectations among the people.
- A small number of extremists, terming themselves the Maoists, converted this frustration into violence and launched a civil war. By 2000, the Maoists effectively controlled 75% of the countryside.

- In June 2001, King Birendra and his family were murdered, opening the way for his brother, Gyanendra, to assume the throne.
- The war intensifies, the political parties show little capability to govern effectively and lots to fight among themselves, and the new King intervenes more actively. He finally conducts the King's coup, taken full powers in direct rule in February 2005. He then suspended human rights, arrested many politicians, journalists and others considered troublemakers and took a hard line against the Maoists.
- All this drove the political parties and the Maoists to seek common cause. They met and each side conceded major points to hammer out a common manifesto. The principle feature was the idea to draft a new constitution with which the position of the monarchy is not assured.
- Opposition to the King grew into a people's movement that, as we all recall, produced massive street demonstrations in April 2006.
- Eventually, the army told the King that it would not fire on such large crowds; India and the United States added pressure to the King. At the point when he had little time left before having to leave the country or face a worse fate, the King conceded and moved to restore Parliament.
- The newly restored government – composed of the seven party alliance (SPA) – has acted swiftly and radically to get on what it hopes is an irreversible path toward a new form of governance and restored hope for the Nepalese people. It has put on the record positions and legislation that would have been considered unthinkable on a short time ago: seriously limited the King's powers, removed the “Royal” label from the government and the army, and moved to eliminate the King's power to veto, even sign, legislation. It has set a course toward a secular state that emphasizes inclusion of all communities in the country and equality between men and women. Untouchability has been declared illegal.

The course ahead:

- Interim government of the SPA & Maoists; Elections for Constituent Assembly; Drafting of New Constitution; Adoption or ratification of constitution; Elections under new constitution
- So far, three sessions of “peace and governance” talks between government & Maoists: agreed on code of conduct for two sides during the process; agreed on steps for the new constitution; and set up a ceasefire monitoring team and an Interim Constitution formulation committee.

Before we relax and assume that Nepal has surmounted its problems and is finally on its way, let's take a few minutes to dissect the scene and the parties in it.

The Key Parties/Players

We can start by identifying some of the main players in the drama.

Monarchy: discredited both institutionally and personally, remarkable change in public attitudes from seeing the King previously as a semi-deity; crown prince loathed more than the King. Yet all blame is being heaped on the King, when there is plenty to go around. Danger that royalists, now keeping their counsel, could exploit confusion and conflict and try to regain power.

Political Parties, mainly Congress and UML, now SPA. Little vision, have conceded much of the agenda to the Maoists, will split among themselves, face challenges of renewal, particularly from active youth cadres eager to replace the old, even ancient, guard.

Maoists: fueled more by economic and social conditions and failure of democracy in early 1990s than by ideology; have proved to be the most deft and accomplished of the political forces in the country; while often militarily ruthless, have been politically smart and flexible; should not be equated with the LTTE in Sri Lanka; platform contained demands that most of us take for granted and should be secured as human rights; wanted to scrap the present form of government, including the monarchy; have largely won. Some observers see the present situation and the course being set as a total victory for the Maoists, but no one can count on their being fair or democratic if they assumed the full reins of power.

Parliament: The symbol of democracy but to date is mostly a board on which the political parties have played games to out maneuver each other. SPA is emphasizing its importance right now as a bargaining chip with the Maoists. It will likely have less of a role in the Interim government and its fate is wide open in the constitutional discussions.

Army: has historically been a professional force engaged in external actions, with the British and in UN peace keeping. Was used late in the civil war when an armed police force was unable to deal with the Maoists. Now it has sullied its reputation by human rights abuses during the war. Some cleansing of the ranks is needed. But on balance, the army wishes to revert to its traditional, non-political role and regain the respect it once had.

Hinduists (right wing): In spite of the recent moves toward a secular state, it is unclear how many religious, particularly rural, Nepalese feel about this measure. Some Hindu groups are organizing to protest already and could become a significant factor in the coming months to maintain the connection with the State, and would likely back the restoring of some degree of power to the King. Connections with Hindu extremists in India have to be watched.

Civil Society: a small phrase for a wide, diverse and often divided part of society. Until 1990s, most NGOs were held in check by the State. Since then, registration became easy, leading to thousands of new organizations for all sorts of causes. Most lack experience and competence. The better ones however have performed well in terms of development and inclusion of minorities and women. A few NGOs, including SAP Nepal, were the first to instigate any public discourse on the civil war with the Maoists; in terms of public

policy, there was no debate for the first few years of the war. Some NGOs began bringing the parties together where some common ground was identified. The tasks now for CSOs include monitoring and facilitating peaceful public discourse for the new constitution, advocating and working for social inclusion of many groups (Dalits, Madhesis, women); helping to rebuild village infrastructure, restoring livelihood and village economic activities, restoring social services (health, education); and in the longer run, providing education for good governance under a new constitution.

People: long suffering. Yet Nepal has a complex society, largely rural, stratified, still caught in the mental grips of feudalism and patriarchy. Geography north and south, east and west, reinforces divisions through isolation. Genuinely friendly and accommodating with rich cultures, the people are the victims of entrenched poverty and social/economic divisions.

India: Many in Nepal feel that India could have done a lot to squash the Maoists, but let the war work its course as long as its own economy and security were not affected. Its messages to the King during the last days of the Peoples Movement in April did affect the outcome and we can expect India to play a significant role in determining form of government, and who participates, in the future. United States is also watching carefully; with the primacy of security and terrorism on its agenda, the US played the military card with arms for the Nepal Army against the Maoists. It will likely use the same lens to watch future developments. Has encouraged democratization.

United Nations: a role is now being outlined to monitor the arms situation...not disarmament, a thorny issue that is not being addressed at present. It could also be involved in election support and monitoring. Louise Arbour has also advocated a form of peace and reconciliation commission to help heal many of the still open wounds in the country. The multilateral development role will be important as the new governance emerges and peace is secured.

Issues & Challenges

Among the principal issues that need to be addressed are the following.

- Peace: is the war over? No. The fighting has stopped, although there are still some incidents in the rural areas, and the protagonists are talking cooperation. But the underlying causes and positions have not been resolved, so peace in the full sense has not yet arrived.
- Governance and the institutional building it requires: Much of this area has already been discussed. Failure in governance precipitated the war and the various crises over the past 16 years; it is not going to be corrected quickly or easily. Issues include: Drafting and instituting a new constitution, the fate of the monarchy, whether Nepal will remain a unitary state or adopt some form of federalism, the nature of the new Parliament, the role of the military and the

resolution of the Maoist cadres, women's participation in government and society, and the full participation of minorities and excluded people from governing bodies. The reform and competence of the public service is rarely mentioned but is also a major challenge.

- Disarmament and arms control: The arms held by the Maoists is a particularly thorny issue and needs to be addressed even before the constitutional process moves ahead; it is a concern for other countries as well. Military expenditure has climbed during the war and needs to be brought down to a modest level so resources can be directed to development priorities.
- Security Sector Reform: Army, police, judiciary. This is a significant element of governance but because of the violence and abuses in recent years requires special attention to build a good level of trust with the population. A South Asia Partnership inquiry a few years ago revealed the deep sense of insecurity among people, particularly in the rural areas; this needs to be overcome.
- Rehabilitation and reconstruction: A lot of infrastructure in many villages has been damaged or destroyed, including schools and health centres.
- Internally displaced people & Trauma survivors: Many people have left their homes and villages because of the fighting. Most are waiting to return, not yet trustful of the new conditions. Is this a false dawn for them? As they gradually return, they will need much assistance to get re-established. Traumatized people are often overlooked but there will be much need for support and counseling, especially for women and children. There is also the issue of child soldiers and how they can be reintegrated into society and resume normal lives.

Then there are the long-standing deep issues of the country that gave rise to the war in the first place.

- Poverty: Livelihood & Development. Nepal is still one of the poorest countries in the world and years of full attention to these conditions have been lost. Now the attention must be swung back, and the international community needs to respond more than in the past to this challenge.
- Inclusion of all people in Nepal to the political, economic and social life of the country, specifically in terms of religion, caste, feudalism, and gender equality. These challenges are complex and deeply rooted and ultimately could be the most intransigent that Nepal faces.
- Environment: Although not an explicit cause of the conflict, the damage to the environment and natural resources in Nepal has continued and become worse because of the dysfunction in politics and society.

Risks:

- Unity among the key players, principally the major political parties and the Maoists. The common front is an uneasy and fragile alliance to start with and could unravel quickly. It is already showing strains.
- The competence of the major players: parties have not demonstrated much in the past, and the Maoists are a completely unknown factor in terms of being part of

- the government. Although the SPA government has made commendable declarations for social inclusion and gender equality, none of the parties – including the Maoists – has included any representatives of women's organizations, Dalits, ethnic groups in the constitutional reforms committee or peace watch groups; this is not a good start for the future.
- The Monarchy/King and his supporters. Little credibility and strength right now but if the process forward falters or develops dissention, there will be some powerful people and groups ready to disrupt the process and try to reverse it. The prospect of a counter-revolution has not been eliminated.
 - Keeping a balance between moving fast enough to maintain good faith with many who want change while not causing a reaction against the change. Making Nepal a secular country, if not handled well, could be a problem. Some conservative Hinduists will be watching this very closely.
 - India : at present supports the government and is likely to support the direction that is being laid out. But if internal trouble starts, India will not be so accommodating. There are a number of outcomes of the present process that could be unpalatable to India , and it will likely try to have a say in the nature of the new governance structure. India has interests in stability on its border, security (relation to its internal Maoist problem), economy & trade.
 - Similarly, the US wants a strong, stable and friendly government in Nepal and, together with India , could interfere with the constitutional process.

A concluding note from Nepal: Rohit Nepali, the Executive Director of South Asia Partnership International, based in Kathmandu, sent a update on the situation just this morning and included the following observation, “Personally time has not yet come to celebrate for democracy. We may have to still suffer for some times. Unless we are vigilant and sharp we may lose the power either to external forces or to the Maoists. Both are dangerous.”

A footnote on Canada 's position:

- Virtually all Canadians – and people from most other countries – who visit Nepal develop a fascination and interest in that country; it commands a special place in their hearts.
- Yet, the official interest by our government is fading, largely because other areas and issues are regarded as more important.
- From a policy perspective, there is little to connect Canada's key interests to Nepal – there is no shared political history, it is too small and too far away to be of strategic interest, little in the way of trade, there is too little immigration to date to create a vocal constituency in Canada. Policy-making is dispassionate.
- There is one only significant reason for Canada to see importance in Nepal and that is the impoverished condition of its people. Nepal is still one of the poorest nations on earth. It should be sufficient reason, one that triggers a growing and engaged relationship with the people of Nepal . Our development cooperation and the aid budget should be increasing to be consistent with our stated policy of reducing poverty. But it is not; in fact for Nepal it is shrinking. Nepal is not

among the designated 25 countries to receive most of our aid. In addition, recently an internal committee within government decided not to put Nepal on the list of post-conflict countries for special attention. This is not a statement against Nepal per se; it is, sadly, our politicians and officials making decisions on who and what are the priorities for Canada's focus and resources.

- Is this acceptable? It is not. Nepal deserves our attention more than ever. Given the challenges that Nepal faces, Canada is in a good position to assist, if only our government decided to do so. Within our society we have experience, expertise, skills – human, institutional and financial resources – that could be most helpful to Nepal at this time.
- Therefore, it falls to us, people here, to the Nepalese Canadian community and to other interested groups and civil society organizations both to assist directly in any way we can and to ask our government to do the same.
- As it balances hope and fragility, Nepal now is at a crossroads. The opportunity is presented. Nepal has to get it right this time. From Canada, we cannot let the people of Nepal down.