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Nepal's Difficult Transition to Democracy and Peace

Dev Raj Dahal, FES Kathmandu

- The outcome of the April movement in Nepal revived the House of Representatives (HOR), initiated major reforms and facilitated the transition from absolute monarchy to representative democracy.
- The HOR announced constitutional control over the army and the King, declared the state secular and initiated the process of democratization.
- Peace talks between the government and CPN (Maoist) continue to progress despite differences on the dissolution of HOR, ceremonial monarchy, participation of CPN (Maoist) in the interim government, modalities and contents of Constituent Assembly (CA) elections and management of weapons.
- A new social contract, democratization, security and peace building continue to occupy the major political and development policy of international community and civil society

April 24, 2006 was an extraordinary day for the Nepalese citizens. King Gyanendra dramatically announced the restoration of the HOR that was dissolved on May 22, 2002. This event pacified the 19-day (April 6-24) non-violent political revolt organized by the Seven-Party Alliance (SPA),¹ the Communist Party of Nepal-Maoist (CPN-Maoist) and civil society groups and allowed the transition from an absolute monarchy to representative democracy. During the movement, 21 persons lost their lives and 5,000 suffered injury. On the recommendation of the SPA, the King appointed Nepali Congress (NC) President Girija Prasad Koirala as Prime Minister to resolve the country's problems.

On May 18, the HOR declared itself "sovereign" and "supreme" body, brought the army under civilian control, declared the state secular, dissolved the royal privy council, drastically cut the power and privileges of the King in-

cluding the right to decide the heir to the Nepali throne and emancipated secular power from the authority of the King and Hindu religion. These measures have shaken the foundation of the nation's political life built on the institution of monarchy, Hindu religion and Hindu identity of the state. Now, the SPA and CPN (Maoist) are competing for the ownership of the movement's outcome. As a result, the mood of the civil society, CPN (Maoist) and social forces is still revolutionary, waiting for an opportune moment for another movement. The transitional nature of politics, therefore, continues to undermine the establishment of rule of law, the condition for a stable society and institutionalization of democracy and peace.

Movement's Nature

The key actors of the April movement have utilized the universal ideals of democracy, human rights and peace as reference points to analyze the condition of the Nepalese society, the power of information to politicize people and the social energy of various networks, institutions, solidarities and social movements of citizens. In the course of events, the mass

¹ The SPA consists of Nepali Congress (NC), Nepali Congress (Democratic), Communist Party of Nepal Unified Marxist-Leninist (CPN-UML), Nepal Sadbhavana Party (Anandi Devi), Nepal Peasants and Workers Party (NeWPP), United People's Front (UPF) and United Left Front (ULF).

media sponsored serious doubts about the King's legitimacy to rule, brought comparative perspectives of popular struggles to suit the nation's future needs and projected the aspirations of citizens to the world at large. The April movement thus marks a fundamental difference from other historical revolts - of 1950, 1979 and 1990 - on various grounds.

First, this movement was distinct from earlier political movements as it electrified the entire nation and enlisted the participation of all sections of citizens. But, the frontline leadership for the movement was provided by a more unified universe of youth. The 16 years of multi-party exercise in the country had exposed the incapacity of traditional elites to perform. It expanded the base of critical mass of intellectuals in every sub-stratum of society and ignited their modern aspiration for democratic governance. The SPA-CPN (Maoist) twelve-point pact on November 20, 2005 in New Delhi, India, to jointly oppose the Royal takeover of February 1, 2005 expunged the division of politics between the left, the center and the right and provided a forward motion to the movement.

Second, the strategy of fusion of the decade-old rural insurgency of the CPN (Maoist) with the massive display of peaceful urban protest programs of political parties and civil society added the critical mass and essential synergy to the movement. The strategy of the CPN (Maoist) to encircle the capital city, Kathmandu, from the rural areas, and the imposition of a series of blockades against it and district headquarters, had weakened the state's writ on governance. It supported the peaceful general strike of the SPA, suspended its armed operation in the Valley and intensified frontal attacks in various parts of the country. On April 9 the CPN (Maoist) unveiled its agenda to intensify its strategic actions against the regime, such as defying the curfew, repression and prohibitory order of the government for the success of the political movement; smash all statues of former Kings at crossroads which remain as a symbol of feudalism; remove all official signboards from government offices replacing 'His Majesty's Government' with 'Nepal Government'; support and encourage the articulation of the local people's struggle for republicanism; mobilize people not to pay any tax and levy to

the royal government; take people's action against middle men and supporters of feudalism; and mobilize the People's Liberation Army (PLA) to control major highways.

Third, the popular expression of faith in the vivid future articulated through varied music, songs, slogans, recitation of poems, political speeches, display of colorful flags, cartoons and dances made the stage of the movement highly dramatic and attracted the participation of children, youth, women, the disabled and ordinary citizens. The April movement in this sense was historical as it galvanized a passive public into a creative catalyst of political transformation.

Fourth, incredible support and participation of Nepali diasporas, global civil society groups, major powers in the international community, the diplomatic and donor missions based in Nepal and major global media enterprises acted as a deterrent against the excessive use of force by the government and justified the course of the movement. The state's loss of its monopoly on power and the international recognition made it difficult for the King to withstand the movement. A subsequent reinstatement of the parliament did provide a way out for the people's representatives to take a popular course of action for the restoration of peace and institutionalization of democracy in the country. But the hurdles that were there in the past still remain. Although the Maoists have shown a willingness to join the multi-party political mainstream, the method of doing so is still a matter of debate.

The main challenges for the current political leadership are: supervision of the ceasefire to facilitate a peace dialogue, management of disarmament, demobilization and reintegration of the warring sides, democratization of the armed forces, formation of an interim government including the CPN (Maoist) to craft a social contract through the CA elections and bind all people in a representative rule of law system, inspire a common sense of nationhood, make political parties socially representative, undertake major structural reforms to satisfy the legitimate interests of the public and start the peace-building process. Abolition of rent-seeking tendencies, the culture of impunity among influential elites and the establishment of restorative justice

are critical preconditions for democratic consolidation. And, the line between institutional attrition and 'forward movement' is very thin indeed. The main dilemma for the political leadership is how to hold the CA elections when the security situation is far from stabilized, distrust in civil-military relations continues and citizens are fed up with politics that is unsustainably aspiration-fuelled.

Structural Context and Social Dynamics

The outcome of the April movement was that it catapulted the SPA to governmental power, opened the possibility to resolve Nepal's deep-rooted political crisis and provided an opportunity to facilitate democratic transition. The parliamentary political class has forged an alliance with the revolutionary force - CPN (Maoist) against the royal regime. The Maoist's main demands, such as state restructuring, federalization of the state, right to self-determination and self-governance with special rights to Dalits and women, revolutionary land reforms, independent national economic policy, strong opposition to foreign interference, a scientific and people-friendly education system and employment guarantee demand the structural transformation of the public sphere.

One fundamental aspect is how the feudalistic tendencies are tackled to replace them with more modern institutions. After all, the traditions followed by the monarchy are largely symbolic, while feudalism is the standard code that drives every organizational structure in Nepal.

During the phase of democratic breakdown, the critical mass of civil society enlivened the ideals of freedom, equality and modernity. It is the same civil society that exerted pressures on party leadership for accepting the CPN (Maoist)'s demand for a CA and drew the CPN (Maoist) into democratic politics. The dawn of a new thinking in the CPN (Maoist) and its commitment to democratic principles fostered the SPA-Maoist amity for political movement. Due to the fractious nature of the SPA, from the moderate NC to the radically left United People's Front, with their intractable ideological, policy and personality differences, it has become very difficult to come out with a consensus on even the basic preconditions for change, to form a joint gov-

ernment, let alone define the nature, process and contents of the CA elections. The SPA also lacks a unified leadership and a coherent ideology through which citizens can be mobilized for democratic nation-building. Hence, progress to transformation is slow, marred by a constant struggle to get out of the pincer movements of a not so credible past and a very demanding future.

Civil society, republican elements within the NC, CPN-UML forces and CPN (Maoist) are opting for a change in basic structures of the polity through the abolition of monarchy, dissolution of parliament, restructuring of the state, inclusive nationhood, democratic citizenship, retributive justice and basic needs fulfillment of all Nepalese. But liberal parties, such as the NC, NC (Democratic), Rastriya Prajatantra Party (RPP), Rastriya Janashakti Party (RJP), the business community and the Nepalese army want to retain a "ceremonial monarchy," even while the parliament is stripping the King of all his ceremonial duties. The future of the monarchy therefore depends on the ability of these two forces to come to a compromise on the King's role.

Unlike the SPA which is seeking stability of the political process, the cadres of the CPN (Maoist) are fighting a class warfare at the local and national levels against what it calls the "comprador class" and is assuring the people that only radical reforms can sustain inclusive democracy and peace. As the majority of citizens of Nepal suffers from chronic poverty, building economic development requires effective governance, security and political reforms and property rights to the marginalized. The CPN (Maoist) wants the election to a CA to bring the nation's marginalized groups in the political mainstream. This is a difficult proposition for many patronage-based, clientalist and personality-oriented parties to accept as they were so far comfortable with the winner-takes-all electoral game and the socio-economic *status quo*. There is a genuine public fear about economic, political and social reform policies spawning a new polarization between the *status quoist* and radical forces.

Progress in the Peace Processes

Both the government and CPN (Maoist) have formed their respective three-member talks teams and held their first round of negotia-

tions on May 26. They announced a 25-point Ceasefire Code of Conduct to ensure a peaceful environment during the transition. The CPN (Maoist) lays stress on various phases of political developments before the CA elections: dissolution of parliament as it does not represent them and the civil society but who were a part of the political movement; drafting of an interim Constitution; formation of an interim government with the participation of CPN (Maoist); management of arms of both sides under the aegis of the UN; and holding of the CA elections promising that both sides abide by its outcome.

The position of the government, however, differs from that of the CPN (Maoist) on various grounds: keep the parliament until the CA elections so that no political vacuum occurs; allow the CA to decide the fate of the monarchy and retain the existing judiciary. It was amid these differences that Home Minister Krishna Sitaula met Prachanda, leader of the CPN and the Nepalese People's Army. The next day, the government revoked all the court cases filed against Maoist leaders and cadres including those against Prachanda. This allowed the CPN (Maoist) to open its contact office and the offices of Maoist allied sister bodies. The second round of talks brought out a four-point agreement: holding the summit talks soon; formation of a 31-member National Committee for Monitoring the Ceasefire Code of Conduct (this committee also monitors the 12-point pact); request the UN Office of High Commission for Human Rights (OHCHR) for assisting Human Rights monitoring; and nomination of five civil society members - Laxman Prasad Aryal, Dr. Devendra Raj Panday, Padma Ratna Tuladhar, Daman Nath Dhungana and Dr. Mathura Prasad Shrestha - as observers of the peace talks.

On June 16, the SPA and CPN (Maoist) signed an eight-point agreement. The meeting held between top Maoist leaders and the SPA at the Prime Minister's office decided to express:

- commitment to a competitive multi-party governing system, civil liberties, fundamental rights, human rights, press freedom, democratic norms and values, rule of law and peaceful conduction of their activities;

- implement an earlier 12-point pact and 25-point code of conduct;
- request the UN to manage and monitor both the armies and their weapons to ensure fair CA elections,
- draft an interim constitution, form an interim government and dissolve the House of Representatives and Maoist local governments,
- take decisions on issues of national importance through mutual understanding;
- guarantee public participation in the CA election without fear and intimidation;
- restructure the state, convert ceasefire into a lasting peace and resolve all issues through dialogue; and
- instruct the talks team to immediately implement all the agreed points.

The 15-member Interim Constitution Draft Committee is coordinated by Laxman P. Aryal while an all-party Peace Committee is coordinated by NC General-Secretary Ram Chandra Paudel to assist the peace process. But, the peace process has been delayed for various reasons - slow progress in trust building, frequent violation of the code of conduct, opposition of the 8-point agreement in the parliament and absence of a comprehensive framework in the management of arms. Clearly, the conflict transformation requires respectful engagements of key actors at various tracks, the signing of Ceasefire, Human Rights and Peace Accords and their long-term commitments on these instruments.

A New Social Contract

The CPN (Maoist) favors a new social contract to unify the already torn state between what it calls "old" and "new" regimes and move to a law of justice for all. It has accepted a "bourgeoisie democracy" for the medium-term in exchange for the assurance of an interim government, a CA election to draft a new constitution and forward-looking reforms. It declared that it would accept the outcome of the CA elections but still not accept a ceremonial King or any "bureaucratic capitalist class" dominating the state. The CPN (Maoist) has welcomed the government's decision to withdraw red corner notices, and the terrorist tags on them and release its cadres from prison. It supports a "broader republican front" among the political parties, civil society, ethnic communities and intellectuals

“to free the nation from feudalism and ensure ethnic and regional autonomy, gender equality and an independent economy,” and has warned that if the SPA went against the pact, it is ready to lead another revolt, an ‘October Revolution’. Incidentally, the current ceasefire will last until October, 2006.

Another major challenge is the strict adherence of the ceasefire Code of Conduct and keeping the armed forces from both sides at a distance so as to prevent any outbreak of violence. The NA chief, Pyar Jung Thapa, during his interview with CNN said that after due understanding with the Maoists and upon their renouncement of violence, Maoist rebels can be inducted in the army ranks. Prachanda, however, states that his forces will merge only with “democratic elements” in the Nepal Army (NA) after a final political settlement.

The SPA views the PLA as an indoctrinated force and its merger with the NA is not a realistic option. The fear of the Maoists winning the CA elections has worried domestic and international forces. Given the *de facto* territorial control of the CPN (Maoist) in most of the rural areas, the inability of the SPA leaders to re-link themselves with their constituencies and involve themselves in party building from below, it is a serious issue indeed. Another risk is that the CA elections might polarize the SPA as each element of the alliance is gripped by internal factionalism and they have not consensually defined the parameters of the CA as to how the CA members can become the true representatives of the nation’s social diversity.

International Community

The international community has played a major role in exerting pressure on the Royal government to roll back the King’s takeover by supporting rapprochement between the King and the political parties, withholding arms supplies, curtailing aid and travel advisories, issuing statements on the violation of human rights and extending cooperation to the movement of political parties and civil society for democratic peace. Obviously, the decline in foreign aid has led to security, political and social crises. India, the United Kingdom, the European Union, Switzerland, the USA, China and Japan had advised the King to reconcile with the political parties and re-

store human rights and democracy. But, India’s engagement was pivotal in encouraging contacts between the SPA and the Maoists and in brokering the deal between the political parties and the King for a peaceful political transition.

On April 19 Indian Premier Man Mohan Singh sent senior Congress politician Karan Singh to Nepal as a Special Envoy. After consultation with the King and other political forces Singh said, “A solution to the problems of Nepal has to be found by the people of Nepal themselves through a political settlement and India is ready to support all efforts towards this end. India’s role at this stage is to be standing ready to support all such efforts.” The international community exerted pressure on the SPA to accept the King’s April 21 invitation to the SPA to form the government. And, as the movement mounted, India expressed its readiness to abide by the decision of the Nepali people.

On April 27, the Communist Party of India which hooked the SPA and CPN (Maoist) together said, “The government of India should boldly stand for a democratic transformation which is in tune with the aspirations of the Nepalese people. It should not seek to coordinate its policy towards Nepal with the US, which is concerned with isolating the Maoists by using the King and the armed forces.” The leader of the Communist Party of India (Marxist), Sitaram Yechuri, who played the role of a mediator between the SPA and the CPN (Maoist) in New Delhi, visited Nepal on April 28 with the goal of finding a way to facilitate the democratic process. The Indian leadership believes that the solution of the Maoist problem in Nepal would inspire Indian Maoists to take a peaceful path. It is, therefore, putting pressure on the Maoists to agree to renounce violence and enter democratic politics. Yechuri said, “Any third party involvement would not be necessary if there was mutual trust between the government and the Maoists. The resolution of the Maoist insurgency will cast a constructive effect in the whole region.” He also criticized the US for trying to dictate its policy on Nepal.

On April 27, the US came out with the statement saying that a CA initiated by the parliament could be an excellent avenue for the

Maoists to join the political mainstream and peacefully help to address Nepal's problems. However, to participate in any elections, the insurgents first must lay down their arms and renounce violence. The USA, India, the EU and Japan also argue that the Maoists can join the interim government only after the management of arms. Welcoming the political change in Nepal, UN Secretary-General Kofi Annan stated, "reinstatement of parliament and unilateral ceasefire by the Maoists have paved the way to finding a political solution to the Maoist conflict and addressing underlying causes of violence." On the request of Premier Koirala, Annan on July 26 sent senior UN diplomat Staffan de Mistura for a nine-day "assessment" visit to Nepal who after meeting with various stakeholders sought "a common understanding on the issue of arms management." On August 9 the government and CPN (Maoist) leaders signed a five-point agreement seeking the UN assistance in the management of arms and armies of both sides, monitor ceasefire code of conduct, human rights and CA elections.

Conclusion

The April movement has restored a multi-party democracy. But, in the context of a torn state, weak governmental authority, scandalous poverty and radicalized masses, institutionalization of democracy and peace remains a difficult task. So far, the SPA has not been able to mollify the movement of the civil society, social forces and Maoists because there is

neither a joint ownership in the movement's outcome nor a distribution of power. Lack of transparency, broad-based consultation and exclusivity at Track I level negotiations have weakened the degree of trust needed to accelerate the peace process.

Trust building requires first, a political consensus on the interim constitution, management of arms and defining the methodology and contents of the CA. Second, the government has to stabilize authority over the bureaucracy and many public institutions which are seething with discontent. Third, a shared democratic future requires the concepts of political equality and an end to an excessive corruption and culture of impunity. And finally, the construction of citizenship is equally essential so that multiple identifications of citizens can be subsumed into a common national identity and their various rights can be realized under the framework of a democratic constitution.

The movement has generated revolutionary aspirations. Hence, the challenge for the political leadership is how to consolidate democratic gains through constitutional and institutional arrangements and legitimize interest representation of the historically disenfranchised groups. Resolution of the decade-old Maoist insurgency and building peace are linked to the transformation of social, economic and political conditions that fuel the sources of conflict.

Ansprechpartnerinnen:

Dr. Beate Bartoldus, Tel.: 0228-883-516, E-Mail: Beate.Bartoldus@fes.de (verantwortlich)

Ulrike Ehnes, Tel.: 0228-883-508, E-Mail: Ulrike.Ehnes@fes.de

Friedrich-Ebert-Stiftung

Internationale Entwicklungszusammenarbeit, Referat Asien und Pazifik

Godesberger Allee 149, 53175 Bonn, Fax: 0228-883-575

Die Kurzberichte sowie Informationen zur Arbeit der FES in Asien finden Sie unter: www.fes.de/asien.