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POLITICAL DEVELOPMENTS IN NEPAL, 2006-07: AN ASSESSMENT

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Abstract

Following the successful anti-King agitation and the historic Comprehensive Peace Agreement (CPA), Nepal has experienced a number of political developments: ending of armed conflict; integrating the Maoists into mainstream politics; establishing an interim constitution, government and cabinet; abolition of monarchy and declaration of republic; and functioning of political parties, parliament and election commission. At the same time, Nepal has observed a set of political challenges: Maoist departure from the government; postponing the schedule of elections; ethnic and regional violence; demilitarisation of Maoists and their integration with the national army. These indicate that Nepal is on the way to democracy but there are obstacles to democratic governance. Against this backdrop, the present paper attempts to explore whether the political developments, despite challenges, are likely to lead Nepal towards a democratic political order.

1. INTRODUCTION

Nepal has undergone considerable turmoil in its attempt to have a more open political system. The country has observed the struggle for political power among monarchy, coalition governments and the Maoists for a long time. The political situation in Nepal under

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monarchy was not smooth. Although democratic rule was achieved through a people's movement in 1990, Nepal faced armed conflict after the Communist Party of Nepal-Maoist (CPN-M) launched an insurgency in 1996. Such conflict continued for a decade, disrupting the democratic system severely. During this period, many initiatives were taken to resolve the armed conflict and strengthen democratic governance. Failure of the initiatives resulted in direct palace rule in Nepal. In effect, democracy was uncertain. Therefore, the political forces and the CPN-M became united for the first time and started anti-king agitation, which soon turned into a people's movement and later facilitated signing of the historic Comprehensive Peace Agreement (CPA) on November 21, 2006 between the Seven Party Alliance (SPA)¹ and the CPN-M.

Signing of the CPA has brought about a number of political developments in Nepal: ending armed conflict; integrating the Maoists into mainstream politics; establishing an interim constitution, government and cabinet; abolition of monarchy and declaration of republic; and functioning of political parties, parliament and election commission. At the same time, Nepal has observed a set of political challenges: Maoist departure from the government; postponing the schedule of elections; ethnic and regional violence; demilitarisation of the Maoists and their integration with the national army. These indicate that Nepal is on the way to democracy but there are obstacles to democratic governance. Against this backdrop, the present paper attempts to explore whether the political developments, despite challenges will lead Nepal towards a democratic political order. In this context, the paper raises a couple of pertinent questions: What have been the political developments in Nepal in the years 2006 and 2007? What are the challenges to democratisation in Nepal?

¹ Nepali Congress, Nepali Congress (Democratic), Communist Party of Nepal (Unified Marxist-Leninist) (UML), Janamorcha Nepal, Nepal Workers and Peasants Party (NWPP), United Left Front (ULF) and Nepal Sadbhavana Party (NSP) jointly formed the SPA on May 8, 2005 to assault autocratic monarchy and establish full-fledged democracy. See, Dev Raj Dahal, "Nepal's Difficult Transition to Democracy and Peace", available at: www.nepaldemocracy.org/conflict_resolution/KBNepal2006.pdf, accessed on: March 7, 2007.

Apart from the introductory and concluding sections, the paper consists of three successive sections. In the second section a historical background of Nepal's political developments is given. Section three focuses on various political developments in Nepal in the years 2006 and 2007. The fourth section identifies challenges to democratisation and assesses the future of democracy in Nepal. The methodology of the paper is empirical and analytical in nature. Research materials from books, journals, newspapers, internet sources, etc. constitute the research documents of the authors.

2. POLITICAL DEVELOPMENTS IN NEPAL: A HISTORICAL BACKGROUND

Nepal was an absolute monarchy for 237 years of modern history. Significant political developments started in the 1950s, when the country got rid of the century long Rana regime through a people's movement and put the King back to active throne.² This can be considered as the beginning of democracy in Nepal. This state of democracy continued only for a decade. Thereafter, Nepal witnessed a party-less absolute monarchy from the 1960s until the 1990s.³ During this period, political freedom was suppressed by the state. Multi-ethnicity and diversity of the state was completely sidelined as few people gained immense authority and control over political power. As a result, significant number of people engaged themselves in furtive political parties and continued to struggle for democracy. In the 1980s, these political parties agitated for a multi-party democracy. It gained momentum with popular support. Nepal gained a multi-party democracy and constitutional monarchy in the year 1990 without much bloodshed. The following fourteen years of transitional democracy faced an unstable journey and severe criticism. Some of the problems faced by the democracy of Nepal were political instability, misuse of power, state of lawlessness,

² Trading along the path of Democracy, available at: http://www.lysasia.org/expression_robin.php, accessed on: December 16, 2006.

³ Party-less absolute monarchy legitimated the King as the only ruler, hence prohibiting party-politics. See, Richard Burghart, "The Political Culture of Panchayat Democracy", *Nepal in the Nineties*, Oxford University Press, Delhi, 1994, p. 63.

armed conflict, and occasional active role of the constitutional monarch.

The political situation critically worsened when a royal coup was staged on February 1, 2005. In protest, surprising secret negotiations between the Maoists and the mainstream political parties resulted in a 12-point agreement to dislodge monarchy.⁴ The King rather pursued his own road map of multi-party democracy and constitutional monarchy irrespective of the consensus.⁵ The Nepalese polity was divided into two clear opposing forces – the King, on the one hand, and the opposing political parties, on the other. As a result, a pro-democracy protest was launched, where royalist administration abused human rights, announced curfew and ordered to shoot-at-sight. The protest therefore transferred into a people's movement. It resulted in the end of palace rule and reinstatement of parliament, and paved the way for the restoration of democratic system.

3. POLITICAL DEVELOPMENTS IN NEPAL IN 2006 and 2007

The ending of successful anti-King agitation opened the possibility to resolve Nepal's deep-rooted political crisis and facilitate the democratic transition. The proclamation for revival of the House of Representatives on May 18, 2006 was a significant blow to Nepal's King because it effectively reduced monarchy to a figurehead status.⁶ This resulted in a roadmap to the gradual signing of a ceasefire code of conduct, several understandings and eventual signing of the historic CPA to address Maoist insurgency and accelerate the process of democratic system.

⁴ The 12-point agreement was signed on November 22, 2005. In the agreement, the Maoists were committed to multi-party democracy while the SPA accepted Maoist demand for elections to a constituent assembly. See, Saba Javeed Janjua, "The role of free primary compulsory education policy for the political development in Nepal", *Strategic Studies*, Vol. XXVI, No. 1, Spring 2006, p. 106.

⁵ *Nepal News*, Nepal, December 3, 2005.

⁶ Dharma Adhikari, "Nepal: Monarchy vs. Democracy", available at: http://www.opendemocracy.net/democracy-protest/maocracy_4101.jsp, accessed on: December 28, 2006.

The outcome of the CPA brought about several political developments in Nepal. As a prior concern of democracy, a larger part of general Nepalese has expressed their views against monarchy and anticipated for a fully legitimate democratic government instead of current interim regime.⁷ The mainstream political parties have been united. They have been working together to campaign for a republic. The former rebels have begun to surrender their arms, started to return all seized properties, and dissolved their parallel administrations to develop internal security and the rule of law. At the same time, the CPN-M has been formally registered with election commission as a mainstream political party. They have taken oath as members of parliament and joined the mainstream politics to restructure their party and increase its effectiveness in open politics, especially in the elections. In the process, even some of the smallest royalist parties, despite being excluded from the interim government, are finding themselves in broad alliance to strengthen the parliament, which is now functioning as a sovereign and supreme body to forge a legitimate political process and provide an impetus to the upcoming constituent assembly elections.⁸

There was no parliamentary election in Nepal since 1999. Such interval has reduced effectiveness of the election commission and disrupted the process of democratic consolidation. At present, the election commission with internal and international support has been playing an effective role across the country paving a way for free and fair elections. The commission has almost completed collection and compilation of renewed lists of voters, including citizenship

⁷A prominent human rights watchdog called Informal Sector Service Centre has conducted an opinion poll in 56 districts and found that 87 per cent of the 17,000 people interrogated in 1022 places have demanded for a democratic republic, whereas 5 per cent has preferred a constitutional monarchy and 8 per cent has favoured a ceremonial monarch. Again, Ekantipur.com on December 2, 2006 has stated that 87 per cent of the public voice support for a democratic republican setup, while 13 per cent of people have said that a powerless king should be kept. See, Siddhi B. Ranjitkar, "President Gyanendra: A new post for the Nepalese King", *The Independent*, December 21, 2006.

⁸ Rashtriya Prajantantra Party (RPP) to launch nationwide campaign to change its policy, available at nepalnews.com, accessed on December 7, 2006.

distribution process. On the other hand, the international community and the development partners of Nepal have been assisting economically and technically to prepare a ground for constituent assembly elections.

The practice of centralisation of power is observed in both absolute monarchy and transitional democratic system in Nepal. This has flourished accumulation of power and discrimination in castes and races all over the country.⁹ The present interim regime has firmly addressed the issue and declared to distribute power among the excluded groups and include more electoral constituencies based on population and geography. This initiative can be considered as the beginning of reducing discrimination against the marginalised groups to end the existing centralised and unitary state system and restructure it into an inclusive and progressive democratic system.

With an interim constitution, the wave of democratic movement now appears to effectively institutionalise democracy at all levels. Besides, approving new national anthem making no mention of King, establishing an interim cabinet, abolition of monarchy by the parliamentarians, and Maoist decision to rejoin the government have been considered as positive political developments. This has started to renew the political unity and opened the possibility to organise constituent assembly elections. But the problem is that no specific timeline has yet been given for the constituent assembly elections. Apart from this, integrating the people's liberation army with the national forces and changing the electoral system have been treated as the political challenges for the transition of democracy. This indicates that despite many political developments, still Nepal has to face numerous challenges to democratic governance.

4. CHALLENGES TO DEMOCRATISATION IN NEPAL: AN ASSESSMENT

Democracy begins with excellent objectives in human governance with unquestionable intentions to do away with freedom from injustice and social exclusion. It is characterised as a system in which expectations are raised because people identify themselves

⁹ Sanjaya Serchan, *Democracy, Pluralism and Change: An Inquiry in the Nepalese Context*, Chyye Pahuppe, Kathmandu, 2001, p. 70.

with the polity.¹⁰ Democracy by definition is a widely admired political system, but is perhaps the most difficult to earn and then maintain. Nepal, despite attaining many positive developments towards democracy, is facing several challenges on various fronts.

First, Nepal belongs to traditional and pluralistic society. For this, participation of different minority groups in governance and decision-making process becomes an important aspect. Few social groups exercise excessive domination in all-important spheres of national life. Many declarations have been made in the long political history of Nepal. But they are rarely implemented. This results in insufficient socio-political representation for the different regional groups of Nepal.¹¹ Therefore, the question of regional rights becomes most crucial. Even after that, the political developments remain unclear about regional rights to self-determination and elimination of discrimination. Violence as well as instability is of prime concern in

¹⁰ Rajeev Ranjan Chaturvedy, "Democracy in Nepal: Issues and Challenges", available at: www.sspconline.org/article_details.asp?artid=art112, accessed on: October 17, 2007.

¹¹ For example, the residents of Terai plains known as Madhesi in south-eastern Nepal are hardly represented in the national institutions of the state. Madhesi is the term by which Terai residents (excluding migrants from the hills) prefer to describe themselves, although it can also be used pejoratively. On the other hand, as with ethnic groups, the Maoists have tried several times to radicalise dalits who have certainly improved their ability to campaign for their interests and have forced the issue of their rights onto the political agenda. But their voice in the upper ranks of the political parties is still limited. The term dalits means literally the oppressed and is a new term for the (adopted from the Dalit movement in India) former 'untouchable' groups in Nepal. It signals their rejection of the hierarchically organised ritual pollution embedded in the caste system and focuses on what they see as the inherent lack of justice in Hindu society. See, Krishna Bhattachan, "Possible Ethnic Revolution or Insurgency in a Predatory Unitary Hindu State, Nepal", in Dhruva Kumar (ed.), *Domestic Conflict and Crisis of Governability in Nepal*, CNAS, Kathmandu, 2000, p. 159; See, On the Question of Representation: Yasso Kanti Bhattachan, "Consultation and Participation of Indigenous Peoples in Decision-making in Nepal", available at: www.ilo.org/public/english/standards/norm/egalite/itpp/activity/nepal/yasso.pdf, accessed on: January 12, 2007.

the regions. Hence, it has become imperative that major reforms in the political institutions must be carried out in view of inclusion of marginalised ethnic groups proportionately in the political process. It is necessary to initiate radical reform in the state structures towards achieving a more equitable society and inclusive democracy. The state should address century old social problems like injustice, inequalities and discriminations based on class, caste, sex, ethnicity and geography.

Second, political parties are the backbone of multi-party democracy. In Nepal, the people have accused the leaders as well as political parties for constant violation of democratic norms and values. In this context, Maoist unceremonious departure on September 18, 2007 from the eight-party interim government demanding declaration of republic and elections through fully proportional representation is an example of that. Violation of democratic rules and abuses of power in the political parties are still fundamental political challenges which needs to be addressed to strengthen democratic practices in Nepal. The politicians need to take care of their own credibility and refrain from misunderstandings that caused earlier instability and hampered democracy. Similarly, the political parties must maintain the democratic principles to increase public trust.

Third, the question of electoral system has not yet been determined. The political alliances and the Maoists agreed earlier to hold elections with a mixed electoral system.¹² Currently, the Maoists have separated themselves from the agreement. It is thought that the mixed electoral system will not fulfil the expectations of the Maoists to have more seats in the constituent assembly. For this, they demanded that all of the CA's members have to be elected through proportional representation. On the contrary, the interim government

¹² Mixed electoral system: 205 members will be elected on a first-past-the-post basis from the current parliamentary constituencies, 204 by proportional representation on the basis of parties' overall share of the vote and 16 distinguished individuals to be nominated as members by the interim cabinet, giving a total of 425 representatives. See, Comprehensive Peace Agreement, available at:

<http://www.satp.org/satporgtp/countries/nepal/document/papers/peaceagreement.htm>, accessed on: November 25, 2006.

considers the demand as irreconcilable with the CPA and violation of the interim constitution and argues that changing of election system may take a long time and consequently render holding of the CA elections impossible.¹³ Such issue results in split in the eight-party government, postponement of the CA elections and subsequently tensions for political stability and democracy in Nepal.¹⁴ Without resolving the issue, endorsement of current electoral process will be difficult. In effect, the process of achieving multi-party democracy will be delayed. The government and the Maoists need to reach a consensus to create credible conditions for the CA elections. Similarly, the parliamentarians need to take necessary decisions consensually and announce immediately the date of CA elections.

Fourth, there is a possibility of split in the SPA if the CA elections become uncertain, which may witness immense political violence and create a chance of coup. King Gyanendra's unauthorised visit outside the palace to receive a highly symbolic blessing from the Kumari¹⁵ is an example. The role of monarchy is another significant issue. The power and influence of monarchy over the Nepali people is undeniable. History demonstrates that democracy and the role of monarchy in Nepal have become contradictory and hostile to each other. As such the issue of

¹³ The peace agreement clearly declares that the fate of monarchy and the creation of republic will be determined by the first meeting of the CA through a simple majority vote. Similarly, the system of elections (mixed electoral) is resolved by the peace agreement. On the other hand, these two issues remain unchanged in the Article 159 (3) and Article 63 (3) respectively of the interim constitution. Even after two amendments to the interim constitution, the Maoists did not raise the issues. See, Ajai Sahni, "No Surprises Here", *South Asian Intelligence Review*, Vol. 6, No. 11, 24 September 2007.

¹⁴ The elections were initially scheduled for June 2007. But the schedule was postponed after election officials sought more time for technical preparations and for the government to pass new election laws. On November 22, 2007 the date of elections was re-fixed. But unfortunately the new date was postponed because of Maoist departure from the government. See, Zaglul Ahmed Chowdhury, "Government-Maoist differences widen once again", *Probe*, November 30 – December 6, 2007, p. 22.

¹⁵ A young girl selected and worshipped as a living reincarnation of a powerful Hindu goddess.

monarchy must be addressed properly. This requires political unity and public awareness and enthusiastic support from the common people.

Fifth, a challenging aspect of democracy in Nepal is to decide the mode of devolution, demobilisation and decommissioning of Maoist cadre and reintegration of the Peoples Liberation Army (PLA) with the Nepalese Army (NA). The rebels want to be half of the new economised national force. The NA wants the Maoists entirely disarmed. As no agreement has been reached on how the NA will merge the PLA, the rebels may create instability again. On the other hand, demilitarisation of the Maoists is a worrying factor in the democratic consolidation. Starting of arms surrender and joining the interim arrangement to come into open and competitive multi-party politics is a significant development. But the challenging task is to get the Maoists to surrender their arms fully. The Maoists have to manage anger and frustration of its cadre and have to be kept controlled so that the CA elections take place in an atmosphere free of intimidation. Apart from this, democratisation of the NA is another important task to be tackled. The NA has to be dynamic to create a national consensus showing integrity and flexibility. In addition, it has to learn from the past weaknesses and avoiding blame and counter blame.

Sixth, there might be a role of international technical assistance and international rights organizations that would keep up pressure for accountability. The Truth and Reconciliation Commission (TRC) does not mention any judicial or penal measures to enforce accountability.¹⁶ The CPA states clearly that the Nepal police is the legitimate law-enforcing body and will be allowed to function without any hindrance. But the Maoists have not welcomed the re-establishment of the police posts. They have pressurised the police personnel throughout the country saying that they will not allow the re-establishment until the state local bodies have been formed. This indicates that they might try to negotiate each case individually with compensatory benefits and there could also be a challenge for maintaining the law and order situation.

¹⁶ See, "Nepal's Peace Agreement: Making It Work", *International Crisis Group Asian Report No. 126*, December 15, 2006, p. 31.

Seventh, one major criticism of the interim constitution is that it violates a principle of basic democracy, the separation of powers. Under the present system, the executive is in command of both the legislature and the judiciary. The Prime Minister plays a key role in the appointment of judges, and even swears in the chief justice of the Supreme Court. The suggestion that a three-or four-member council perform the functions of the head of state was ignored, and that role was also given to the Prime Minister. Additionally, the interim constitution does not have a provision for the removal of the Prime Minister by a house vote.¹⁷ Some analysts claim that this move was engineered by the Maoists, who see themselves as the potential contenders for the prime ministerial position if the 85-year-old Girija Prasad Koirala decides to let go from the power. Indeed, Koirala himself has expressed concern in private and public over the supreme powers vested in his office by the interim constitution. Therefore, functioning of the interim constitution depends mainly on sufficient flexibility and willingness of leaders in polity.

Eighth, many of the key international donors in Nepal have invested heavily in ensuring the CA elections. Uncertainty in holding the elections may frustrate the donors and decrease credibility of the interim government. At the same time, extra budget for the elections may be lost. In effect, the overall economic situation of Nepal may be in a vulnerable position. Rising expectation of the people and the international community is also a serious challenge before the democratic advancement. The state has to implement a sustainable economic agenda that addresses widespread poverty and massive unemployment, severely skewed resource distribution patterns and centrally controlled planning and development. The civil society groups, political parties and media have a significant role to play in making certain sense of democratic values and behaviour amongst all the citizens.

Besides, Maoists' simultaneous practice of democratic system and the continuation of violence is an important challenge to democratic governance in Nepal. This results in general feeling of insecurity and anxiety for transition of democracy. Until the Maoists are loyal to the interim constitution and the historic peace agreement, and as long as their forces remain intact and state security sector unreformed, there is possibility for a rapid return to conflict.

¹⁷ Prashant Jha, *Himal Southasia*, February 2007, Vol. 22, No. 2, p. 53.

Elections will be uncertain if political understanding falls apart. This may spell a bleak future for democracy.

With the above stated challenges to democratic governance in Nepal, it would be too early to anticipate a well-functioning democracy. Democracy is a self-learning and self-correcting system that requires longer exercise as well as commitment and sincerity of people. The gradual outcomes of the 2006 April people's movement and the comprehensive peace agreement, against considerable odds, have brought about many political developments to form a new Nepal and strengthen the transition of democracy. However, the challenges to democratisation and the possible ways out to face them can be reviewed in the following table.

Table: Political Developments, Challenges to Democratisation and Ways Out

Political Developments	Challenges to Democracy	Ways Out
Political parties are treated as institutions of integration	Violation of democratic rules and abuses of power	Refrain from squabbles and maintain democratic principles.
Election commission is effective to organise elections	System of elections is yet to be determined.	Government and Maoists should reach an immediate consensus.
Parliament has started to function as sovereign and supreme body, and has declared Nepal a republic	Maoist departure from interim government	Ensuring Maoist rejoin as early as possible
Promulgation of interim constitution to institutionalise democracy	No separation of powers-legislative and judiciary- is made	Ensuring independence of judiciary and stimulating human rights commission.
Maoist Transformation into political mainstream	Participation in democratic system with continuation of violence	Be loyal to constitution, disarm Maoist, state security forces reformed
Declaration to reduce discrimination against marginalised groups	Several groups demand from different angles with frequent violence and divergent agendas.	Initiate radical reforms in political institutions and state structures. Pledges to be activated
General mass and Nepalese development partners want immediate legitimate practice of democracy	Delayed elections	Announce immediately date of elections.

Source: Compiled from various sources.

Political analysts point out that an interim arrangement is by definition meant to tackle an emergency situation. In such times, normal theories of political science may not necessarily fit in.¹⁸ It is natural that as the CA elections is coming nearer, the competition for the political space at the ground political level will take on increasingly confrontational overtones. This may affect the unity between the topmost party echelons. The biggest challenge is to keep the already interrupted political process in track. In this context, the goal of restructuring the Nepali state is based on the CA elections. The alliances, debates, Maoist demands and issues around the polls will shape Nepal's democratic future.

Although there are some challenges to democratic governance in Nepal, political developments and ways out for facing the challenges presented in the table could be an indication of gradual functioning of democratic elements and reducing step by step traditional impediments of democratisation. The system of constituent assembly elections and PLA's integration are still the bone of contention among the political moderates of Nepal. Despite this, declaring Nepal as a republic and Maoist decision to rejoin the government to participate in the elections could be a step forward towards democratic transition.¹⁹ However, recent political developments demonstrate that Nepal's democratic exercises have begun in rejuvenated manner. With international support, if the exercises continue smoothly, restoration of democracy is likely to be on the way.

5. CONCLUSION

In 1990, Nepal established multi-party democracy along with constitutional monarchy. Sixteen years later, Nepal once again revived democracy in 2006 through decreasing the power and role of monarchy. The earlier developments for democracy witnessed the

¹⁸ *Ibid.*

¹⁹ Nepali political parties sign agreement paving way for election, available at: http://en.ce.cn/World/Asia-Pacific/200712/24/t20071224_14019350.shtml, accessed on: December 24, 2007.

breakdown of democratic institutions, excessive competition of power, wrong political orientation, lack of nationalism and crisis of confidence.²⁰ On the contrary, the recent developments have revived smooth functioning of the political parties, parliament and the election commission; introduced an interim constitution addressed to develop the security and rule of law; started to decentralise the power structure; and ensured popular legitimacy, international involvement, united approach and awareness. These political developments indicate that Nepal is moving in the right direction. But still there are a number of challenges to democratic governance, such as finalising the system of constituent assembly elections, integration of the PLA with the NA, facing inconsistent ethnic demands, announcing the date of elections, etc.

Restoration of multi-party democracy in 1990 rarely witnessed stable political developments in Nepal. As recent political process is not yet fully consolidated, it is too early to make definitive predictions about democracy. It can only be reiterated that the political forces working within the current democratic framework cannot easily move away from it, because of very limited options available to them. This is likely to be an encouraging factor for the ongoing exercises. With recent changing trends, it would not be wrong to say that Nepal's political future would be optimistic in terms of a transition to democracy. The needs of the moment are: strengthening the capacity of the election commission; establishing the rule of law; stabilisation of the government authority over the bureaucracy; continuation of political consensus on interim constitution and an end to the culture of impunity; wisdom from leaders, commitments from political parties and tolerance from all strata of the society.

²⁰ Lok Raj Baral, *Nepal: Problems of Governance*, Konark Publishers Pvt Ltd, New Delhi, 1993, p. 8.