

Nepal: peace is more than an election

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From the start of Nepal's peace process in the spring 2006, the need to hold elections for a constituent assembly, and swiftly, has gathered great momentum. The interim government, formed of a seven-party alliance and the Communist Party of Nepal (Maoist), originally scheduled these elections for June 2007 - ignoring the fact that the cusp of the monsoon is a hectic agricultural season, and an implausible time for voting.

When they postponed the poll at the very last hour, elements of the Nepali professional elite - Kathmandu-based lawyers, media analysts, and members of the intelligentsia - and the international community expressed surprise and dismay, even outrage. The parties were quick to blame one another, and to set another date in November 2007. Yet this, too, seemed an implausible time, a dormant season following the country's major festivals. When in October these elections too were postponed, everyone who is anyone again expressed surprise, dismay and outrage. No less than Ban Ki-moon himself pressed the government to set another election date. The entire peace process seemed at risk [2] of failing otherwise.

A process of three sides

In the rush to hold elections, or at least to set dates for them, it has been easy to overlook the fact that elections are only one of the three major components of the peace process. They are an important component, certainly: only after a constituent assembly is voted in can Nepal [3] get on with the important task of drafting a new constitution. Yet the peace process's other components are just as critical, and, so far, just as unobtainable.

The second major component involves reaching a settlement between the Nepal army and the other military force, the Maoists' People's Liberation Army - currently stowed, restively, in twenty-eight United Nations-monitored cantonments in the countryside. The Nepal army has openly expressed its unwillingness to integrate Maoist soldiers into its ranks; the Maoists [4], for their part, fully expect such an integration. None of the eight parties in government has been keen to push the Nepal army to comply on this or other necessary reforms, for the army does, after all, safeguard the voting booths during elections. Requests for reform from the international community have gone ignored. The result is that security-sector reform remains a dangerously neglected component of the peace process.

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The third major component of the peace process involves establishing a truth and reconciliation commission to redress the losses incurred in ten years of insurgency and counterinsurgency: the 13,000-plus people killed, the 900-plus disappeared and the hundreds and thousands displaced over the country. All the major parties have blood on their hands due to their past support either for the Nepal army or for the People's Liberation Army; predictably, they are more interested in promoting reconciliation than in discovering the truth about what happened during the war. So far they have made only the most tokenistic gestures to establish a commission, gestures roundly rejected by national and international human-rights defenders. This component of the peace process, too, remains neglected.

It may seem unduly cynical to wonder whether the parties in government manipulating the Nepali professional elite and the international community might be delaying elections as a way to distract the public from noticing their failures in security-sector reform and truth and reconciliation. For, from the day elections were announced for June, the constant refrain - Nepal must hold elections, and swiftly [5] - has rung hollow. Especially so, because the very mode of elections remains hotly contested, and far from decided.

An election faultline

What kind of elections should Nepal hold? This is a glaringly obvious question, but one the political parties in government have been reluctant to address, for good reason: The answer threatens to expose deep faultlines in the peace process.

When the Communist Party of Nepal (Maoist) [6] and the seven-party alliance signed the twelve-point agreement in New Delhi in November 2005 to jointly lead a democracy movement against the feudal forces of the monarchy and military, it was clear that their partnership was born of necessity, and temporary in nature.

After the success of the democracy movement in April 2006, a more fissiparous phase - the peace process - began.

Nepal, judging by all objective indicators, is incontrovertibly a left-leaning country. Yet it is the Nepali Congress Party [7] - whose origins lie in socialism, yet which stands today as a staunchly neo-liberal party - that the international community, especially the all-powerful (in Nepal's context [8]) Indian foreign-affairs establishment, likes to see in the leadership of the country.

The Nepali Congress's octogenarian president Girija Prasad Koirala [9] thus became the prime minister of the first interim government (and remained so in the second interim government, upon the promulgation of an interim constitution). Koirala is renowned for his antipathy to the left. He is associated with a faction of his party known as the *Kalo Kangress* (Black Congress), which after the democracy movements of 1950 and 1990 formed alliances with the monarchy and military as a means to contain the left - each time enabling the monarchy and military to return, resurgent. When political analysts call Koirala a "genius" - which they often do, even suggesting that he should win a Nobel peace prize - they mean that he is unstoppable in playing the right against the left.

Koirala and the Nepali Congress have played the most decisive role in the peace process. The second most decisive actors have been the Maoists [10], who, at the start, greatly overestimated their popularity among the "masses" whom they had lived off for ten years [11], and whom they had subjected to great danger. They entered the peace process triumphant. The third most important player in the peace process has been the Nepal Communist Party (United Marxist Leninist), the largest leftist party committed to parliamentary democracy, and a sometimes-rival and sometimes-ally of both the Nepali Congress and the Maoists.

None of these parties had the least experience in brokering peace. Neither did they receive - or they did not accept - sound advice from the Kathmandu professional elite or the international community. The "comprehensive peace accord" of 21 November 2006 [12] was far from comprehensive. On the positive side, it did pave the way for the promulgation of an interim constitution in January 2007, which inducted the Maoists into an interim parliament, [13] orienting them to democracy. On the negative side, the accord had a casual, compromised tone on security-sector reform and truth and reconciliation.

Most problematically, it shut most Nepalis out of the peace process [14]. Almost from the evening of its signing - an event much celebrated by the Kathmandu elite and the international community - the peace process became the exclusive responsibility of the political parties [15]. Even the Maoists cooperated in erecting walls of exclusion, giving up on a key demand for a roundtable conference in exchange for a quick cut of government action. And so what had been, in April 2006, a mass-based movement for the transformation of the country had degenerated, by the induction of the interim parliament, into a power-sharing exercise among eight political parties.

This turned out to be a grave mistake, for - as the refrain to hold elections, and swiftly, started to circulate among the Kathmandu professionals and the international community - women's-rights activists, and activists for the rights of the ethnic and indigenous nationalities, and the Dalits, and the southeastern Madheshis (encompassing all the major social movements of Nepal), began to oppose the parties' preferred first-past-the-post mode for the elections. They felt it favoured those already in power: the "high"-caste men who - it is not an exaggeration to say - have monopolised all social, economic and political power in Nepal. These excluded groups put forward a variety of demands of their own, and one unified demand: that there be a system of proportional representation in the elections to the constituent-assembly elections.

None of the eight parties in government - all led by "high" caste men - was interested. Dissatisfaction hardened [15] in the region of Madhesh - when a popular movement started, with the demand for proportional representation. Through summer 2007, the Madheshi rights movement sometimes spiralled out of its leaders' control and turned violent in Gaur, Lahan, Kapilvastu and other southeastern towns; and it brought daily life and commerce in the area to a halt.

It reflects the elitist nature of those in charge of the peace process that the Madheshi rights movement was met by hostility in Kathmandu, and even with accusations that the movement's leaders were anti-national, or at least anti-democratic. For to be a democrat was to want to vote, and swiftly; anyone getting in the way of swift elections must be, by this reductive logic, anti-democratic. It is true that the Madheshi rights movement was infiltrated, from time to time, by feudalists, who - dreaming of

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yet another monarchical and military resurgence - hoped to incite enough violence to stymie the elections altogether. It is also true that breakaway groups of the Maoists have instigated some of the violence for reasons more criminal than political. But this should not have, and ultimately did not, delegitimise the movement's demand for proportional representation.

The elite and the excluded

Under great pressure, and very reluctantly, the eight parties in government agreed to talk to Madheshi groups. Also under pressure, also reluctantly, they agreed to talk to groups demanding the rights of ethnic and indigenous nationalities. But they resisted taking these other groups' demands seriously - until, in September 2007, the Maoists walked out of the cabinet (though not out of the interim parliament), causing jitters about the entire peace process.

By then the Maoists had realised they were not, in fact, as popular as they had originally estimated. They saw they had further eroded their base by giving up two of their long-standing demands when signing the comprehensive peace accord. These were the demands for the immediate abolition of monarchy and for a roundtable conference. Upon leaving the cabinet, they demanded a special parliamentary session to table two proposals: the immediate abolition of the monarchy, and - in lieu of a roundtable conference - the adoption of a proportional-representation system for the constituent-assembly elections.

They clearly hoped to regain their base by taking up the cause of the excluded. Their leadership was also under fire from the People's Liberation Army, still waiting in UN-monitored cantonments for integration into the Nepal army. The Maoist leaders - leading comfortable lives in Kathmandu - needed to prove to their own cadres that they had not entirely sold out.

Their walkout from cabinet set off panic all around. The Kathmandu professional elite cried foul, accusing the Maoists of holding the elections (and the wider peace process) hostage to their whims. The Maoists in turn accused the seven parties of being insincere about holding elections. The elections were promptly cancelled in the melee. And, in an effort to keep the peace process from failing, a special session of the interim parliament was called.

Both Maoist motions, to everyone's surprise, passed - or motions similar to theirs passed. The CPN (UML) [16], swinging, as it does, between the Nepali Congress and the Maoists, tabled more moderate versions, and formed a left bloc with the Maoists to pass them. The interim parliament, instead of immediately abolishing the monarchy, on 4 November passed a resolution to ask the government to abolish [17] the monarchy. And instead of adopting a system of proportional representation with the credit going to the Maoists, the interim parliament passed a resolution to adopt a system of proportional representation with the credit going to the UML.

The Kathmandu professionals immediately deemed the votes unconstitutional, or at least non-binding (as they passed with only a simple, rather than two-thirds, majority), and urged the now Maoist-less cabinet, in increasingly hysterical tones, not to implement them.

This sharp polarisation between the left and the liberal political parties was to be expected from the start. What has been unexpected is the polarisation between the elite and the excluded among the population at large. Like the interim parliament, the country is currently split into two camps: the elite, who favour a mixed system for the constituent-assembly elections (half the seats for proportional representation and half for a first-past-the-post system), and the excluded, who want a fully proportional representation system, believing this to be the only way to access the power they have so far been denied.

Renegotiating peace

It may seem futile, even daft, for the parties in government to set election dates once again without first deciding what mode of elections to hold; yet this is what most of the Kathmandu professional elite and the international community are now pressing them to do.

"You don't have to have a perfect election. You just have to have an election. Then you can start to move on", was something a senior member of the international community said to me early on in the peace process, when she was expecting elections to be held in June. Other members of the international community have claimed that prolonging the elections would endanger the peace process altogether. Yet others have cited Afghanistan and Iraq as models: if elections could take place there, why could they not take place in Nepal?

It may be ignorance that blinds the international community to the fact that Nepalis do not want just any kind of election, but a good election, an election that votes in a constituent assembly [18] that actually represents them. Perhaps the international community does not feel the urge that Nepalis feel for the transformation of the country.

It cannot be ignorance when the Nepali professional elite suffers the same blindness.

The Kathmandu-based lawyers, media analysts, and members of the intelligentsia are far from uniform in their thinking, yet they have uniformly jumped on the swift-election bandwagon, spilling much ink on the matter of who is to blame for its repeated deferral, while ignoring the unrest and violence that are making these elections difficult to hold in the first place. These are not ill-informed people. What they are is partisan - most everyone in what is called "civil society" favours either the Nepali Congress or the UML, and will, at times of crisis, be loath to cross party lines. Because the UML has deferred, till now, to the Nepali Congress's leadership, the elite has not diverged in its opinions.

Now that the UML has shifted away from the Nepali Congress, there may be less uniformity in the way the professional elite understands the peace process. This would be a welcome change.

It would also be a welcome change for the Maoists to return to the last of their original demands, one they seem most eager to forget: the demand for a roundtable conference. Over the past decades Nepal has been in a state of intellectual ferment. There has been no use for this in this exclusivist, elite-captured peace process. A roundtable conference including all the excluded groups (women, Dalits, ethnic and indigenous nationalities and Madheshis) would open up the process, making this a truly Nepali peace process, instead of a peace process by the elite for the elite.

The internationals

As for the international community, it risks replaying the role it has always played during transitions to democracy in Nepal. In 1950, as in 1990, the international community - especially the Indian foreign-affairs establishment - helped the Nepali Congress-led government to form an alliance with the feudal forces of the monarchy and military as means to contain the left. This allowed the feudal forces to dismantle democracy and return to power. Now, too - by means both tacit and explicit - the international community, especially India, is encouraging the Nepali Congress-led government to appease the feudal forces. In diplomatic circles there has been much talk - apparently with no humour intended - about the possibility of skipping over the present king, Gyanendra [19], and his unpopular son Paras, to install Paras's 6-year-old son Hridayendra as a "baby king". The diplomatic community - again, especially India - is also

encouraging the government to leave the Nepal army untouched. Hence the lack of security-sector reform or truth and reconciliation.

This of course has helped confirm the monarchy and the Nepal army's worst instincts. An increasingly confident Gyanendra has defied government orders by performing public duties that he had been barred from. Even more worryingly, Kathmandu is rife with rumours of an imminent military coup....

It may well save the international community the embarrassment of falling on the wrong side of history [20], once again, if the peace process were renegotiated.

The world will not end, after all, if the comprehensive peace accord dies a natural death. Nepal's peace process need not end, even. A new, inclusive accord that kicks off with a roundtable conference would greatly help put an end to the unrest and violence in excluded communities. It would put to use the country's intellectual ferment. And it would help refocus attention on security sector reform and truth and reconciliation.

Now that would be a peace process worth backing.

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