

# Negotiating transition in Nepal: More democracy is key

The people of Nepal have shunned the invitation from the Vaidya faction to go back to the jungle and restart the revolution. On the 9th anniversary of King Gyanendra's extra-Constitutional takeover, the democratic forces must pledge to take the process forward and fulfill the aspirations of the people



ASHOK BEHURIA

Nine years down the memory lane, on February 1, 2005, Gyanendra, the then King of Nepal, sacked an elected Prime Minister, assumed all power, and declared a State of emergency, plunging the Himalayan State into a political crisis. He went on to promise elections within three years. Little did he know that he had stirred a hornet's nest and would be shown the door soon. He had provoked the people of Nepal out of their homes into the streets against his autocratic rule, forcing him to restore parliament and lose all powers.

The whims of a monarch precipitated a *Janandolan* (popular movement), brought about unprecedented unity among ideologically disparate political groups, and facilitated the process of transition from constitutional monarchy to a republic.

Much water has flown down the Bighmati since then. Nepal has turned over a new leaf. Monarchy is gone. A new wave of democracy has set in since the 12-point agreement was signed among seven major political parties and the Maoists, who were waging a 'peoples' war' until then.

The pace of progress may not have been entirely satisfactory. But Nepal has made astounding progress as it has successfully mainstreamed a popular insurgent group, and witnessed, for the first time, if protracted, debate among political parties — ever since the first constituent Assembly elections were held in April 2008 — for finalising a Constitution. The process of transition may have disappointed many observers about the near-anarchical tendencies in Nepalese democracy, but the process chugs on without any major haemorrhage.

## Nepalese exceptionalism

One has to admit that each country has its own political dynamics and approaches democracy, or for that matter any other system of government, from its own vantage point. The extremely noisy political process that we witness in Nepal today is the result of the growing political awareness among a highly plural population, consisting of multiple ethnic, linguistic and regional entities, demanding a fair share for themselves through active participation in a bargaining process, which is delaying the process of Constitution making. Democracy is nothing but a continuous process of bargaining.

To be fair to the Nepalese people, labouring under social, political and economic woes and also weathering intervention in their affairs by external



Chairman of the United Communist Party of Nepal (Maoist) Pushpa Kamal Dahal, centre, attends the first meeting of the newly-elected Constituent Assembly in Kathmandu on January 22. After a two-month delay, the Assembly convened on Wednesday to begin its main task: drafting a new Constitution, which the Himalayan nation has lacked for the past five years

democratic transition, the process of softening its stance on the election of seemingly messy, but the resultant vector has moved in a positive direction.

## People and politics

If one talks to the common man of Nepal, they also express their deep resentment against their own politicians and hold them responsible for the lengthening of the Constitution-drafting process. They consider them corrupt, self-centred and venal, but if you ask them about their views on various political issues the leaders are battling out in the Constituent Assembly, you notice the divisions among them.

The political leadership is merely reflecting that division at the national stage, making the process of reconciliation of interests difficult. But as one has witnessed in the case of thorny issues like Maoist integration, the Nepalese politicians have found a way of arriving at a consensus and moved on.

Although the role of different political parties in hammering out consensus over various issues under contention has not been entirely satisfactory, there is a precipitate will among them to break the stalemate through various agreements, which are rather continually flouted than honoured and superseded by succeeding agreements. Beneath the apparent anarchy

of Nepalese politics, there is order. The madness has its own method.

## Takeaways from November polls

The people of Nepal despite their disillusionment with the political leadership have participated in the electoral process rather enthusiastically. The second Constituent Assembly elections in November 2013 had demonstrated this in many ways. If one were to look at them closely, the elections have been an indirect referendum on many burning issues.

The takeaways from the election are there for all to see. The people of Nepal

have shunned the invitation from the Vaidya faction, the split-away group of Maoists, to go back to jungle and restart the revolution. They want an early conclusion of the Constitution-making process. An overwhelming majority of them have expressed their distaste for ethnic federalism and would perhaps endorse an innovative form of federalism, mixing the demand for decentralisation of power on both geographical and ethnic basis, taking into account the genuine grievances of the people. And the people need good and efficient governance, good roads, hospitals and educational institutions.

As one moves around Nepal, one is struck by the extreme diversity of the country. Every small town one visits one gets to see the multi-racial, multi-ethnic and multi-religious face of Nepal. People from diverse background seem to be living together in harmony and peace. The use of one language across ethno-cultural groups has brought about a perceptible sense of unity among them. In such a situation, any emphasis on greater political recognition of one group or the other may disturb the existing social contract, which has evolved spontaneously over the years.

No doubt, a country with a hugely diverse population, and geographical and cultural difference needs greater decentralisation of power and the Constitution will have to account for that. However, lack of concentration of any ethnic group in any particular geographic locale makes the case of ethnic federalism a recipe for inter-ethnic disharmony. Therefore, the whole issue of federalism has to be attempted in a cautious manner. The suspicion of the people that ethnic federalism will create unnecessary division among people may be real.

## Post-elections blues

It has been almost two months since the elections and Nepal is slowly getting into the rhythm of democratic politics yet another time again.

The electoral verdict was fractured, not quite to the liking of the Maoists, who had much greater popular approval in the last elections. For an insurgent group which suffered an ideological split before the elections — riven by internal divisions and pulling in several directions — the negative verdict in the elections has been clearly disconcerting. However, the Maoist leadership has responded to the electoral loss well. Initial reactions that the loss was due to external manipulation have given way to seasoned observation that the party has to recognise the internal weaknesses for its defeat in the polls. The party has decided

to participate in the process and finalise the Constitution at the earliest.

Another encouraging thing has been greater acceptability among political parties of the concept of intra-party democracy. The largest political party in the Assembly, the Nepali Congress, has managed to sort out the leadership issue through intra-party voting. Even if the veteran party leader and three-time Prime Minister, Sher Bahadur Deuba, lost to Subodh Koirala by 16 votes, he has accepted the verdict and promised to work for the early conclusion of the process of Constitution-making. The second largest party the CPN-UML, has decided to go for resolving the issue by democratic means. Even the UCPN-Maoist, led by Prachanda, has decided to bring in greater democracy within the party and reorganise the Central Committee of the party.

## Need for responsible politics by majority parties

While the three major political parties have shown maturity in adjusting to the rough and tumble of democratic politics in Nepal, it is expected that others will follow suit. However, some political outfits like RPP-Nepal wish to put the clock back, push back republicanism, do away with secularism and reopen issues settled in the first Constituent Assembly. Given a chance they would turn Nepal into a Hindu state and bring back the monarchy. While they do represent a cross-section of popular opinion — quite natural in a country transitioning from monarchy to republicanism — such misplaced nostalgia about past could be inimical to the ongoing process of democratisation.

The maturity politics parties must understand that it is their failure to provide transparent, accountable and responsive governance which has given such regressive ideas a fresh lease of life. They have to find a way of setting aside their differences, court the country ahead of their petty personal interests and make democracy a success in Nepal. That will force regressive elements to change their tack and adapt to change.

On the ninth anniversary of King Gyanendra's extra-constitutional takeover, the democratic forces must pledge to take the process forward and fulfill the aspirations of the people. The Nepali people deserve it.  
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## THE OTHER VOICE

# Constitution drafting will depend on power-sharing

Though political crystal-gazing is a dubious exercise in Nepal, it can be safely deduced that the political transition is not going to have a smooth ride, even after electing a new Constituent Assembly last November.

The first Assembly of its kind, elected in 2008, lapsed four years later without delivering a Constitution because of the partisan interests in the guise of Constitutional issues.

Baburam Bhattarai, the then Prime Minister who enjoyed unprecedented support from Indian bureaucracy especially its diplomatic wing, dissolved the Assembly, riding roughshod over the pleas made by the other parties to let the Assembly function as Parliament and complete the Constitution drafting process.

Just like the mistaken ethnic and Madhesi activists, Bhattarai thought the 'growing tide' in favour of ethnic federalism that he espoused would help his party sweep the next Assembly elections.

On top of that, he thought if he did not dissolve the Assembly, the rival Maoist faction, led by then-senior vice-chairman Mohan Baidya 'Kiran', would split and join hands with the Opposition parties to force him out of office in Parliament.

If the past political experiences are anything to go by, we can safely say that the power-sharing issue is the key to the framing of a new Constitution — no matter what political ideals the political parties espouse.

Following the new Assembly elections, the politics is back to its usual course. The parties are struggling to strike a power-sharing deal as the November elections only resulted in a hung-parliament. President Ram Baran Yadav called for a 'consensus government' under Article 38 (1) last week, more than two months after the elections, but the President's move is only a formality as the House is fragmented, and some parties, including the Unified Communist Party of Nepal (Maoist) (UCPN-Maoist), the third largest party that has 80 seats in the House, have pub-

The UML may support the Nepali Congress for now on ethical grounds, but in course of time, as the Constitution drafting process gains momentum, it might be tempted to share power with the Maoists

licly stated that they would not join the Government at present.

After his week-long deadline expires on February 2, the President will ask the parties to form a majority government. But that is also easily said than done, given the deepening factionalism and rivalries within parties and complexities affecting inter-party relations.

The intra-party conflict has posed a challenge to the ongoing inter-party power-sharing negotiation process. Last week, the Congress finally elected president Sushil Koirala as the party's parliamentary leader amid bitter intra-party rivalry, while the CPN-UML and the UCPN (Maoist), the second and third largest parties respectively, are yet to elect their parliamentary leaders as intra-party factionalism deepens.

If the Nepali Congress and the CPN-UML, the first and second largest parties respectively, don't reach a power-sharing and a coalition, the country is likely to suffer from political instability. The Congress has 196 seats and the UML 176 in the current 575-member House (the total number of CA members will reach 601 after the Cabinet, as per the Constitutional provision, nominates an extra 26). These two political parties not only share an identical political ideology, but have strong political networks throughout the country. They are for a multicultural Nepal as against the third largest United Communist Party of Nepal (Maoist) led by Pushpa Kamal Dahal 'Prachanda' and some regional parties who are for carving the federal provinces along the ethnic lines and giving special rights to the dominant groups of the provinces.

But the issue of power-sharing between the two parties is tricky. The current President is from the Congress party, and his party has already staked claim to the post of the Prime Minister. The UML obviously wants the post of President, but the current President is popu-



Differently-abled people shout slogans during a protest near the office of the Nepal's Prime Minister in Kathmandu. The protesters demanded the representation of the disabled in the Constituent Assembly

lar. Lately, the party was forced to resign after promulgating a new Constitution in a year. If the two parties really join hands, the next Government will be stronger. If they bring on board a few small parties, they will also have a comfortable two-thirds majority for Constitution drafting.

But what if they fail to strike a power-sharing deal? It is likely to usher in an era of political instability, just like the one after the restoration of parliamentary democracy in 1990. It will jeopardise the consti-

tution drafting process, and make the Maoist party a key political force in the formation and dissolution of Governments just like the Madhes-based parties did after the 2008 elections.

The UML may support the Congress for now on ethical grounds (the party treats the Congress as a friendly party as opposed to the Maoists), but in course of time, as the Constitution drafting process gains momentum, it might be tempted to share power with the Maoists and small parties, and lead the Government. With the support from these parties, the UML may lead a weak Government. It will again jeopardise the Constitution drafting process as

the Government will not have a two-thirds majority without the participation of the Congress party.

Again, even if the Congress and the UML, backed by small parties, are able to form a strong coalition, the Constitution drafting will not be a smooth process.

The parties that are on the two extremes of the political spectrum — UCPN (Maoist) and small Madhesi and ethnic parties demanding ethnic federalism, and Rastriya Prajantana Party Nepal (RPP-N) that is the fourth largest party and stands against secularism and republicanism — have declared that they would not join the Government. These parties, backed by their activists, may take to the

streets, dubbing the Congress and the UML 'conservative forces' bent on turning the clock back.

These parties want to show the world that republicanism, federalism and secularism are their ideological goals and the Congress and the UML are opposed to these changes. However, the reality is that the Congress and the UML have officially endorsed republicanism, secularism and federalism.

So, why do these parties on the extremes want to show that the NC and the UML are opposed to these agendas? Their concerns are genuine and acting quite rationally. They have to prove themselves as 'progressives', as opposed to 'conservative NC and UML', for politi-

cal survival.

Since they will not have sufficient strength to block the Constitutional drafting process, they may create problems enforcing a shutdown or blocking the East-West Highway that serves the lifeline for the country. The trend of enforcing shutdowns has become one of the major coercive tools in the hands of various interest groups and parties following the restoration of parliamentary democracy in 1990, and especially after the country saw an eruption of contentious politics following the overthrow of the monarchy.

Things would be easier if the Congress and the UML are able to convince the Maoists to join the Government. But these parties have already stated that they would not join the Government. There are voices in these parties that they should not join the Government and instead try to cash the anti-incumbency factor in the next elections.

But it will be difficult for them to stay away from the corridor of power as party politics in Nepal is deeply entrenched in patron-client relations. On the other hand, there will be public pressure on all the parties to reach a compromise on Constitution drafting. These parties were trounced mainly because of their agenda of ethnic federalism and they may not opt out of Constitution drafting in the final moments as they don't want to become political spoilers.

While the usual partisan politics may be frustrating to the people and the Constitution may not be drafted in one year. But the parties may not have the other options, either. They will have to come to a compromise on Constitution drafting. The problem is the complicated power-sharing process and giving some face-saver to those espousing ethnic federalism.  
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