

News Update from Nepal
1 May 2006

Second Democratic Transition

18 people were killed and 5,000 were wounded during a mass political movement from April 6th till 24th, which was organized by the seven-party alliance (SPA), the Communist Party of Nepal-Maoist (CPN-Maoist) and civil society organizations. On April 24th, King Gyanendra announced that he would hand over power back to the people and restore the parliament he dissolved on May 22, 2002 on recommendation of then Prime Minister Sher B. Deuba. He also invited the agitating Seven Party Alliance (SPA) to form the government. The restoration of the parliament is one of the key demands of the SPA, which came to an agreement with the Maoist rebels on November 20, 2005 to oppose the Royal coup. After the announcements on Nepali New Years Day (April 14) and on April 21, he again stated some liberal measures in public. On the recommendation of the SPA, the King appointed the ailing Nepali Congress (NC) President G.P. Koirala (85) as Prime Minister. The parliament resumed its operation on April 28 and as per the motion tabled by Prime Minister Koirala, it decided to “go for an election to a Constituent Assembly (CA) in order to draft a new constitution.” Accordingly, on April 30, the House of Representatives unanimously passed the proposal for calling an election to a CA.

However, this has not solved Nepal’s deep-rooted political crisis. Rather it gave the fractious SPA leadership crucial tasks: to facilitate the second democratic transition (the first was heralded in 1990), to form a government from the parliament, to define the future of the king, to facilitate a peace dialogue with the CPN (Maoists) and to manage the arms of the rebels, to form an interim government including the CPN (Maoist) to hold election for the CA and to undertake major structural reforms to satisfy the aspiration of a diverse society. The SPA and CPN (Maoist) have already agreed on a four-point roadmap – a reinstated parliament deciding elections to the CA, an agenda to implement the 12-point agreement with the Maoists, an interim government officially inviting the Maoists for discussions, and the parliament taking legislative steps to undo the laws adopted by King Gyanendra after his *coup d’ état*.

Political Dynamics

While signing the 12-point agreement with the CPN (Maoist), the SPA had given them the assurance that they will announce the formation of the CA election to draft a new constitution once the parliament would resume its operation. Due to the fractious nature of the SPA - from moderate political parties, such as Nepali Congress (NC) or the Communist Party of Nepal-Unified Marxist Leninist (CPN-UML), to radical left United People’s Front (UPF) which causes intractable ideological and policy differences, it will be difficult for them to consensually form the government and define the nature of the CA. Padma Ratna Tuladhar, a prominent human rights activist, expressed his ire, “it was civil society who convinced people to take part in the movement when the masses were

critical of the parties for their past mistakes. But, right after victory, the parties have started ignoring the people's strength." He also blamed the SPA leaders for deliberately ignoring the strength and contribution of the CPN (Maoist) in making the people's movement a success. NC leader Dr. Ram Sharan Mahat states a critical point. He says, "The biggest issue in the future will be the disarmament of the Maoists. They need to be disarmed before the CA elections." Shailaja Acharya, another leader from the same party warns, "Opting for a CA would cause bloodbath in the country."

To exert pressure on the newly restored parliament for an unconditional CA, release of all rebel leaders and cadres in Nepal as well as India, removal of terrorist tags and red corner notice, the CPN (Maoist) has begun to organize open public meetings and rallies in various parts of the country including Kathmandu. The Gandak regional bureau chief of the Maoists, Tank Mani, said that the Maoists would remain peaceful as long as the SPA follows the agenda of a CA. In case they would not do so, the Maoists will launch an armed agitation. Similarly, ethnic and indigenous people, Dalits organizations and civil society have appealed to the people to join a program to encircle Singh Durbar, the Parliament Secretariat, and pressurize parliamentarians to announce unconditional elections for a CA and forward-looking reforms. The civil society group led by Dr. Devendra Raj Panday is demanding the removal of the King as the supreme commander of the Royal Nepalese Army. The CPN (Maoist) wants the election to a CA to bring the nation's marginalized groups in the political mainstream which will be difficult for personality-oriented old parties to fully accept as they were comfortable with the "winner-takes-it-all" electoral game and the socioeconomic *status quo*.

The questions being debated in the public about restructuring the state (secular versus Hindu state and unitary versus federal state) or about ethnic, cultural, and regional autonomy as well as economic, political and social reform policies etc., will likely spawn polarization between moderate and radical factions and politicize the already radicalized public sphere. On April 25, the members at a meeting of the Nepal Federation of Indigenous Nationalities (NEFIN) said that the royal proclamation to restore the House was only a partial achievement of the people's movement. They said, "None of the demands of indigenous nationalities including their rights of ethnicity, language and culture, self-determination and autonomy has been addressed by this proclamation." The general secretary of NEFIN Dr. Om Gurung asserted, "We don't believe that our concerns will be addressed by the reinstated parliament."

The Inter-Party Coordination Committee, headed by NC General Secretary Ram C. Poudel, has begun discussions with the other parties to define the agenda for the future parliament. Their important agenda involves: amending the present constitution to bring the Royal Nepalese Army (RNA) under parliamentary control, drastically reduce the privileges and rights of the King, scrapping of the *Rajparishad* (royal advisory body called State Council), changing the National Anthem, giving a complete shape to the Upper House of Parliament, reinstating local self-governing bodies, opening the door for CA elections, forming a commission to probe atrocities committed in suppressing the protest programs, compensating victims and annulling the ordinances promulgated, scrapping appointments made by the king after October 4, 2002, replacing the phrase

“His Majesty’s Government” with “Nepal government” and “Royal Nepalese Army” with “Nepali National Army”, initiating structural reforms, etc. The main problem is how to hold the CA election when the security situation has drastically deteriorated and people are driven by aspiration-fuelled politics and ideology. Unlike the SPA which is seeking moderation, toleration and stability; the CPN (Maoist) is fighting a class warfare at the local and national levels against what it calls “comprador class” and is assuring the people that only radical reforms can bring peace, social justice and democracy. This means unless a widely-acceptable political framework is well-placed, political bickering, indiscipline, law and order problems and slackness in service delivery will continue.

CPN (Maoist)’s Moves

On April 24, the leftist weekly newspaper *Sanghu* reported that the Maoists are preparing to form an alternative government under its leadership. It has made public its *Compilation of Law 2060* and *Directives of People’s Government 2060*. It termed the SPA’s endorsement of the king’s decision to restore the parliament a “betrayal” and “historical blunder” committed under the influence of “imperialists and expansionists” and continued the blockade and insurgency. A day later, upon the request of NC President Koirala, the Maoists withdrew “the blockade until the first meeting of the parliament, taking into consideration positive assurances.” On April 27, the CPN (Maoist) announced a three-months long ceasefire to express the “party’s commitment to peace and encourage the parliamentary forces to announce elections for a constituent assembly” so that they can open the door for a democratic republic in the future. The top Maoist leader Prachanda has clearly said that their ultimate goal is to establish a People’s Republic. Maoist ideologue Dr. Baburam Bhattarai has also affirmed that they will accept the outcome of the CA elections but not accept the constitutional King and the “bureaucratic capitalist class” dominating the state as its acceptance can evoke the wrath of a radical faction within the rebel group. In November 2005, the CPN (Maoist) has accepted a bourgeoisie democracy for the medium-term in exchange for the assurance of an interim government, a CA and a democratic republic.

Another major problem is the reciprocation and management of the ceasefire, release of about 2,200 Maoists from jails, removal of the terrorist tag and red-corner notice and keeping the armed forces from both sides at a distance so as to prevent the outbreak of violence and, more importantly, holding a CA election in a free and fair manner. The 12-point SPA-Maoist understanding envisages the deployment of the UN or any other reliable international supervision to monitor a ceasefire and subsequent CA elections. Nevertheless, there was opposition from within the SPA and outside. The dispute resolution mechanism on this matter has not to be worked out yet. The RNA Chief, Pyar Jung Thapa, said during an interview with CNN that after due understanding with the Maoists and upon the renouncement of violence, Maoist rebels can be inducted in the RNA rank. Prachanda, however, states that his forces will merge only with the “democratic elements” in the RNA. What would happen if the Maoists win the CA election? This has evoked the concern of domestic and international forces given the *de facto* territorial control they hold in most of the rural areas of Nepal and the government is confined to urban areas and Kathmandu. There exists also the danger that the CA election will split the SPA as each element of the alliance is gripped by an internal power struggle

and they have not consensually defined the parameters of the CA as to how the candidates should be weighed in proportion to the population. Similarly, there is very limited knowledge about the CA even among the constitutional experts.

International Community

The international community has played a major role in the second democratic transition by putting pressure on the Royal government through: withholding arms supplies, curtailing aid, issuing statements on the violation of human rights and extending cooperation to political parties and civil society which are fighting for democracy, human rights and peace. Even countries like India, the UK, the USA, China, the EU and Japan have advised the king to reconcile with the political parties and restore human rights and democracy. But, India's engagement was pivotal in brokering the deal between the political parties and the king for political transition. It has not only brought the SPA and the Maoists together but expressed readiness to renounce its two-pillar theory - constitutional monarchy and multiparty democracy - by announcing that it will abide by the decision of Nepali people.

On April 17, the Indian Prime Minister Manmohan Singh held discussions with the cabinet members including the chiefs of the army, navy and air force about Nepal's situation. He has sent Senior Congress Politician Karan Singh to Kathmandu as a Special Envoy. He met political leaders of various political parties and the king on April 19-20 and suggested the need for a political dialogue between the constitutional forces of Nepal to overcome the crisis. He 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." India, which faces its own Maoist insurgency adjoining Nepal's borders, believes that if the king, the political parties and the CPN (Maoists) will be able to form a stable government, it will resume all possible assistance.

On April 27, the Communist Party of India which hooked the SPA and CPN (Maoist) 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) understanding in New Delhi, visited Nepal on April 28 with the goal of finding a way to facilitate the democratic process. India is putting pressure on the Maoists to agree to renounce violence and enter into 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 problem will cast a constructive effect in the whole region."

On April 27, the US made the statement 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 US Ambassador to Nepal,

James F. Moriarty, said that his government is looking forward to working with the people's government and to resuming visa and other services suspended recently due to security reasons. The US Assistant Secretary of State for South and Central Asian Affairs, Richard Boucher, is arriving on May 2 to take stock of the political situation. Similarly, Norway resumed its cooperation and the Norwegian Minister for Development, Erik Solheim, is also visiting Nepal for political consultations. On April 28, welcoming the political change in Nepal, UN Secretary-General Kofi Annan said, "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."

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