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Mistakes, Miscalculations and the Search for Middle Ground: An Exit Strategy for Nepal

Kul C. Gautam*

Although he may have had good intentions, King Gyanendra miscalculated the effect of his draconian measures on February 1, 2005. The King and his advisors miscalculated the capacity of the military, the response from the international community, the effectiveness of loyalists, the appeal to Hindus, the role of China, as well as attitudes towards corruption and censorship. In order to return to a democratic path, a path that is also the only viable option for the survival of the constitutional monarchy, Nepal's three political protagonists – the King, the Maoists, and the political parties – must compromise. An exit strategy is possible, but it requires that these three protagonists put the interests of Nepal above their own narrow, parochial interests.

King Gyanendra of Nepal is known to be an intelligent person who is very knowledgeable about the current world situation. He should have known that his imposition of emergency rule, suspension of civil liberties and other draconian measures would be condemned by the international community and would be controversial or even dangerous for the monarchy in Nepal.

So why did he do it? Did he have a hidden game plan?

It is conceivable that he took this extraordinarily risky and controversial step out of profound concern for the nation and a genuine conviction that he had a duty to act boldly and courageously. Due to the relentless Maoist violence and the inability of the political parties to provide good governance, the country had indeed reached a dire and critical point. The King could have genuinely felt it was his obligation to unilaterally rescue the nation from a downward spiral of senseless violence and endless political strife.

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Though his approach has turned out to be flawed and ill-advised, the propensity of the King to take bold action offers the hope that he could now be equally daring and decisive in taking corrective action in the larger interest of the nation.

But first, let us try to understand what led the King to take such a draconian step.

Based on informal feedback from a variety of actors in Nepal and abroad, it appears that the King did indeed have a carefully crafted game plan. However, it seems to have been largely based on wishful thinking by some of his confidants and advisors. Two months into the royal *coup d'état*, the game plan has gone terribly awry and proven to be ill-advised.

Specifically, the King seems to have miscalculated on seven counts:

The Military. It appears that the King was advised by his military commanders that if the Royal Nepalese Army had more operational freedom under a state of emergency, it could quickly capture several top Maoist leaders. The capture of their key leaders would lower the morale of the insurgents, crippling the rebel movement or weakening it enough to entice it to a negotiated settlement. If this happened, there would be a groundswell of popular support for the King from a citizenry that is fed up with Maoist atrocities. The international community, too, would appreciate and accept the King's drastic measures as necessary to combat terrorism. Unfortunately, this has not happened, as the military seems to have grossly miscalculated its capabilities.

The Terrorists. The King knew that suspension of democracy and human rights, censorship of the press, and military rule would be condemned by the international community. However, since no foreign power wants the Maoists to win, the intensification of the war against them could be presented as part of the global war against terrorism. Given a choice between an authoritarian monarch and the totalitarian and terrorist Maoists, the King and his supporters reckoned that sooner or later the international community would choose the former. The King often invoked the examples of support for Pakistan's Musharraf and Peru's Fujimori. It may well be that international support for the King will come to pass in due course, but the King miscalculated the appeal of this argument and was surprised by the vehemence of opposition to his take-over by Nepal's closest and strongest donors and supporters.

The Loyalists. In plotting his coup, the King had reached out and enlisted the support from some of the old guards from the Panchayat era of his father's absolute rule. Many of these old political cronies fill the King's cabinet and serve as his trusted advisers. While they may have been effective in the old days, it turns out that their worldview is quite outdated, and their old tricks of political manipulation no longer work. The King seems to have miscalculated the utility

of the advice and support of these old loyalists. In one extreme case, a widely despised personality who had literally been chased out of the country during the heydays of the democratic people's movement in 1990 has resurfaced in Kathmandu in the King's inner circle of advisers. His efforts to help the King have already turned out to be counterproductive. Given the anti-democratic credentials of several such loyalists, the King's professed commitment to a multi-party democracy is viewed with suspicion and even disbelief.

The Hindus. Like his father King Mahendra, King Gyanendra is known to consult Hindu astrologers and priests who assure him of divine blessings for his activist role. As the world's only Hindu monarch, the King of Nepal is known to command the loyalty of many orthodox Hindus in India. Besides the divine blessing and the endorsement of his decisive leadership, the King was apparently led to believe that he could garner the support of Hindu nationalist politicians and activists in Nepal as well as in India. Indeed, soon after the Royal *coup d'état*, and after the government of India had strongly condemned his actions, one of the King's new Ministers had telephoned the leader of the BJP party in India to seek his support and solidarity as a Hindu co-religionist. Unfortunately, the King and his supporters seem to have miscalculated that India's secular political leaders are very hesitant to in play the religious card in their foreign policy. Instead of winning friends, the King's invocation of religious solidarity seems to have backfired.

China. In King Mahendra's time, Nepal used to play "the China card" whenever India became non-cooperative. Guided by the old-guard advisers, King Gyanendra seems to have thought that in case India and other Western donors became non-cooperative because of the King's autocratic measures, he could turn to China or Pakistan for military and financial support. The old guard seems to have grossly miscalculated. The world in 2005 is very different from the world to which they are accustomed, and China is unlikely to offend India, a country with which it has substantial political, economic and trade relationships. For China, the benefit of cultivating ties with Nepal's autocrats is not worth the cost of offending India and other Western powers.

Corruption. The people of Nepal are greatly disillusioned by the poor governance, corruption and maladministration of the parliamentary political parties and their leadership during the last decade. The King and his advisers seem to have calculated that they would get much popular support if they took stern action against these corrupt politicians and their henchmen. While there is much support for the King's counter-corruption measures, the fact that many of the King's loyalists too have shady reputations, and that these measures seem to be politically motivated and of dubious legality, has undermined their credibility and importance.

Censorship. By initially cutting off all telecommunications and imposing strict censorship of the media, the King and his advisers had hoped that opposition to the royal rule would not coalesce and that the government would win the propaganda war. In reality, the government has found out that in today's world it is impossible for any government to effectively cut off news and information, especially from the well-to-do urbanites. The real impact of the clampdown on the press has been that ordinary people in villages no longer get credible information, including news of Maoist atrocities (or the military's excesses). Ironically, in some rural areas the void created by the ban on Nepal's vibrant FM radio stations has been filled by clandestine Maoist broadcasts.

In the light of these miscalculations, the King finds himself increasingly isolated and ill-served by his loyalists. The country has become completely polarised. On the one hand, many ordinary people, especially in Kathmandu, genuinely welcome and support the King's take-over as they value the peace and quiet that has accompanied the state of emergency. After all, strikes, demonstrations and disruption of services are banned. On the other hand, political leaders, journalists, and human rights activists are strongly opposed to the royal rule since they have been deprived of their democratic freedoms.

Outside Kathmandu, the situation has continued to deteriorate. Killing, kidnapping, intimidation and extortion are rampant. To compound the Maoist atrocities, the government troops have begun inciting vigilante violence and innocent people, including women and children, are caught in the crossfire. The Maoist blockades have disrupted transportation and trade, along with basic services for and the livelihoods of millions of people.

Contrary to the King's intentions, human security has definitely deteriorated in the countryside. Out of fear and concern for personal security, people feel compelled to choose between joining the Maoist "people's government" and the royal government's camp. Many have chosen the Maoists as they have a more effective and intimidating presence in the countryside than the government. Genuine support for the Maoists is believed to be minimal and declining, but the high-handedness of the Royal Nepalese Army is alienating the populace.

Another unintended consequence of the King's drastic step is that India is now an even bigger player in Nepal's politics. Both the UK and USA have said that on matters concerning Nepal, they would not only coordinate their response with that of India, but that they would look to India to take the lead. Thus, in practice, New Delhi has become the capital of Nepal on matters pertaining to the international response to Nepal's political crisis. Having struggled over the last five decades to establish itself as an independent country, and not an appendage to India, this development is deeply disturbing to many Nepalis and friends of Nepal.

Following the imposition of royal rule, both the Maoists and the government have hardened their position with regard to a negotiated settlement

of the conflict. It may well take many more casualties on both sides and substantial international pressure before the two sides agree to negotiations.

Meanwhile, pro-republican sentiments are growing even among mainstream political parties that have historically supported the constitutional monarchy. The royal government maintains its hold on power only because of the fear of Maoist extremism, the loyalty of the military to the King, and the people's disenchantment with ineffective and corrupt political parties.

What might be the exit strategy in this situation?

It is clear that there is no military solution to the crisis without incurring horrific costs in human lives and infrastructure. It is also clear that the international community will not allow or accept a Maoist take-over of the country. Moreover, there is no return to the *status quo ante* of the pre-February 1 style of ineffective "democratic" governments. And it is clear that the King cannot sustain an autocratic regime given both internal civil disobedience and the real prospects for withdrawal or suspension of external assistance on which Nepal is critically dependent.

All of Nepal's three key political protagonists must therefore be encouraged, supported and cajoled into finding a middle ground that harnesses their best attributes, i.e., a respected constitutional monarchy as a symbol of national unity, a progressive, populist, egalitarian socio-economic order as espoused (but not always practised) by the Maoists, and a modern multi-party democracy with a higher degree of accountability than has been the case in the last decade.

Nepalese civil society, including those in the Diaspora, and friends of Nepal in the international community must therefore continue to put pressure on and offer inducements to these three protagonists for reconciliation between the King and the political parties on the one hand, and for negotiations between the government and the insurgents on the other hand.

It is in the best interest of Nepalis – including the Maoists, monarchists and the democratic political parties – to seek a negotiated political settlement around a shared common ground of democracy and respect for human rights and international law if Nepal is to safeguard its independence and identity and build a prosperous future.

Each of Nepal's three key political forces – the King, the parties, and the Maoists – have lost genuine public support in recent years, and will need to make significant sacrifices to redeem themselves in a dignified manner in the eyes of the Nepali people and friends of Nepal.

There is a serious credibility gap in the verbal commitments of Nepal's leaders. Meaningful actions are needed. For example, both the monarch and the Maoists proclaim their faith in "genuine" democracy. But their actions tell a different tale. The political parties promise good governance in their manifestos, but tolerate corrupt behaviour by their leaders. This has to change.

If the monarchy is to survive and thrive, the King will have to settle for an honorary role as a constitutional monarch and be prepared to give up the reins of power, including his direct control over the military.

The Maoists will have to give up violence as a legitimate instrument of power and opt for the ballot rather than bullet, even as they peacefully pursue an agenda of radical social reforms.

The political parties will have to reengineer themselves, bring truly democratic practices into their internal working methods, bring out fresh, untainted young leadership, and commit themselves to a strict “code of conduct” to hold themselves accountable to high standards of integrity.

Although there is enough blame to go around and sully the reputation of all three political protagonists, historians will undoubtedly hold the Maoists as primarily responsible for wreaking the worst havoc in modern Nepal by trying to impose a universally failed ideology that has inflicted unspeakable terror in the land of Lord Buddha. Having achieved considerable success in the countryside, the Maoists are now faced with the choice of either doggedly pursuing total victory, which frankly is unachievable and unsustainable, or trying to cash in on their strength and become an influential political party that champions the populist cause of the poor and the downtrodden. If the Maoists continue to miscalculate the people’s fearful acquiescence as genuine support, they will plant the seeds of self-destruction. One hopes that they have the wisdom to learn from world history and make the right choices at this critical juncture.

The King and his loyalists have fomented considerable disdain for the political parties and their leaders by emphasizing the poor record of multi-party democracy in the past decade. The charges of corruption, mismanagement, and bickering for power and perks levelled against political parties are not untrue. However, while some crooked leaders sullied politics at the national level, Nepal’s short lived multi-party democracy was functioning relatively well at the local level and was beginning to produce good results.

Besides, the value of democracy should be measured not only by the performance of political leaders but also by the quality of civil society, as well as the freedoms enjoyed by people to express their views and pursue their dreams. And from that point of view, Nepal was actually on the right track, with the exception of the Maoist aberration.

A functioning democracy tends to be self-correcting, as voters eventually throw out irresponsible and unaccountable leaders by punishing them at the ballot. From the point of view of modern monarchy, a functioning multi-party democracy is the best guarantee for its survival as a truly respected institution, as is evident from the world’s remaining constitutional monarchies. The King should therefore invest his political capital in the multi-party democracy. If the monarchy is to survive, it will be through democratic legitimacy not divine right or military might.

But the biggest challenge and opportunity for rescuing Nepal from its current predicament actually lies with the parliamentary political parties. They must acknowledge that they have given democracy a bad name due to their

maladministration and corruption, and they must take bold measures to exonerate themselves from popular revulsion, a revulsion stoked by anti-democratic forces. Given the cantankerous atmosphere of Nepal's current politics, it would be very patriotic for the senior leaders of the political parties, especially those who have already had their chance to serve as heads of government, to gracefully step aside or assume honorary advisory roles, and make room for younger leaders to emerge.

The young, and thus far untainted leaders, must in turn reach across party lines and collectively formulate stringent "codes of conduct" that they all agree to abide by, no matter who is in the future government or administration.

Some elements of the code of conduct should be:

- Internal democracy and transparency in the functioning of political parties;
- Term limits for key leadership positions in political parties;
- Fair representation of women and various geographic and ethnic groups in leadership positions;
- Democratising the selection process for election candidates, possibly through "primary elections" or straw polls in electoral constituencies;
- Requirement for leaders to disclose their own and their immediate family members' income, assets and tax payments on an annual basis, and especially before and after assuming ministerial or senior constitutional positions;
- Appointment of ombudspersons within each party to investigate allegations of corruption or misrepresentation of income and assets (e.g. resources siphoned off to relatives, friends and business partners);
- Disqualification of leaders from holding party or government positions for a certain period when indicted for corruption or certain other serious misconduct;
- State financing of electoral campaigns, based on agreed criteria, and limitation on private contributions for political parties and election campaigns;
- Provision of recalling elected leaders, under certain circumstances, if their conduct betrays their campaign promises;
- Commitment not to incite students and teachers in political campaigns or by imposing non-academic demands on academic institutions;
- Commitment not to politicise the civil service, the police and military and the teaching profession;
- Commitment to behave responsibly as a "loyal opposition" when out of power.

If the political parties can come up with such a plan of action and code of conduct, they might have a fighting chance to regain the confidence of the

people. This plan could also be presented to the King as a new exit strategy rather than asking him to just revert back to the *status quo ante* of pre-February 1, 2005, an outcome which that could be humiliating to him and not very reassuring to the Nepali people.

To provide constitutional legitimacy to the formation of a new, broad-based government representing the key parliamentary parties, serious consideration should be given to temporary restoration of the dissolved parliament, for an interim period, for certain specific tasks. Among these tasks would be the initiation of peace talks with the Maoists.

As a prelude to the peace talks, the political parties must come up with a politically clear, unified and consistent position on the Maoist insurgency and its resolution. They should, in fact, draft a framework agreement, which might include some non-negotiable propositions, such as respect for universal human rights, a pluralistic, multi-party democracy, and some form of a truly constitutional monarchy. There should then be a series of negotiable options for consideration on other matters of statecraft or policies, e.g., the precise powers of the King, the command structure of the military, whether we should consider a federal structure of government, mixed proportional representation, protection of minority rights, a bi-cameral versus a unicameral parliament, direct election of the Prime Minister, structure of local governments, etc.

Efforts should be made to find enough common ground with aspects of the Maoist socio-economic, and political agenda that are compatible with internationally acceptable principles and norms of democracy, rule of law and human rights. For example, ways can be found to accommodate the Maoist demand of a round-table conference, an interim government and some form of constituent assembly that is consistent with the above principles.

As all three of Nepal's political protagonists have something good to offer the people of Nepal, the peace process should allow for all parties to save face. We want the Nepali people to be the ultimate winners, without any of the political protagonists feeling vanquished or humiliated.

Ultimately, the Nepalis themselves have to find enough common ground to end the conflict and usher in a new era of peace, democracy, and development. However, given the deep lack of trust among the various Nepali protagonists, it seems desirable that a respected, neutral external organization or a friendly country or consortium of countries should facilitate the peace and reconciliation process.

There have been many offers of help from organizations like the United Nations, the Carter Center, the Geneva-based Centre for Humanitarian Dialogue, the European Union, and several friendly countries. All of these groups can offer some useful support. But the United Nations might perhaps be the most helpful in that its support can encompass not just helping with political negotiations but also in devising and supporting plans for disarmament and demobilisation, election monitoring, post-conflict reconstruction and rehabilitation, human rights promotion and institution of "truth and reconciliation" mechanisms that will be needed to heal the deep scars of injury and injustice left by the conflict.

Nepalis and friends of Nepal must press for such a plan of political reconciliation and a negotiated settlement of the conflict to get the country out of its current tragic impasse.