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Democratic Middle Ground in Nepal: A Perspective from the North American Nepali Diaspora

Compiled by Naresh Koirala and Anup Pahari, Ph.D., with contributions from Dharma Acharya, Ph.D., Ambika Adhikari, Ph.D., Roger Adhikari, Gaury Adhikary, M.D., Pramod Aryal, Ph.D., Alok K. Bohara, Ph.D., Girija Gautam, Shiva Gautam, Ph.D., Madhu Ghimire, M.D., Shambhu Lama, Mallika Shakya, Arun Sharma, Vijaya Sharma, Ph.D., Puru Subedi, Sharda Jung Thapa, and Suman Timsina*.

The call of our time is to safeguard the accomplishments of the 1990 People's Movement, to restore sovereignty to the people, and to work towards the middle ground to resolve the nation's core problems. History teaches us that recognizing, adopting and adhering to the middle path takes much vision and courage. The natural instinct is to stick to one's own interpretation of the world (usually based on narrow self-interest) and to shun ideas and individuals that require a moderation of one's views. However, success in politics and statecraft, more so than in any other area of human affairs, is hinged to the middle ground in a way that ultimately requires friend and foe to migrate sufficiently towards each other so that the peoples' business can move forward and flourish. We urge all political forces in Nepal to recognize that great achievements in the affairs of nations come about when leaders practice the art of compromise. There is no dishonor for Nepal's monarch and political leaders if they follow the path of the likes of Gandhi, Nehru and Mandela.

Background

The North American Nepali diaspora played a symbolic yet important role in the successful restoration of democracy in Nepal in 1990. The diaspora's involvement in the movement arose from a conviction that 30 years of absolute monarchy had to make way for a pluralistic democracy with a constitutional monarchy and sovereignty vested in the Nepali people. When the Constitution of 1991 was formally adopted, Nepalis in North America, like Nepalis everywhere,

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were filled with pride and hope. We sensed that a new Nepal was in the offing, and we were not wrong.

With the reinstatement of democracy, an open and participatory culture began to quickly take root in Nepal. Citizens became the new and proper stakeholders in the destiny of the nation. In spite of centuries of exclusion and oppression, Nepalis were participating in democratic institutions even in remote areas of the country. From bold and independent Supreme Court decisions to unfettered growth and dynamism in the private sector (e.g., media/communications, education, airlines), there was mounting evidence that Nepalis were both contributing to and benefiting from the new democratic order. In a very short period, Nepalis also showed themselves to be astute and mature voters, consistently voting on the basis of party ideology and not for limited parochial causes. Democracy was maturing and the results, gauged by any standard, were encouraging.

Despite the enthusiastic support and participation of the Nepali people, post-1990 Nepal inherited institutional weaknesses that began to take their toll on the emerging polity. This weakness manifested itself in the inexperience and incompetence of principal political actors, bad governance and corruption, the rise of a Maoist rebellion, and the increasingly assertive monarchy. Disillusionment followed as peoples' unrealistic expectations, which were fuelled by the promises of exuberant, if naïve, elected leaders, remained unmet. The situation only worsened in the latter half of the 1990s.

In 1996, the ultra-leftists of Nepal grouped under the banner of Communist Party of Nepal (Maoist) (CPN-M), and declared an armed rebellion against the elected government of the country. The rebellion was premised on the conviction that post-1990 democracy could not benefit the "people" and that only the Maoists truly represented the interest of the Nepali masses. Unfortunately, the CPN-M never seriously considered testing popular support for their program at the ballot boxes on a sustained basis like the other parties. The rebellion, which aimed to create a communist republic in Nepal, systematically undermined democracy by obstructing fundamental democratic processes such as elections, grassroots organizations, and the presence and activities of political parties in rural areas. To date, the rebellion has cost more than 11,000 Nepalese lives. Thus, starting in 1996, a nascent democratic nation, which was already straining to keep order and meet the multiple demands of a super mobilized polity, became progressively embroiled in a costly campaign to counter the determined and violent Maoist insurgency. To a large degree, therefore, both the political instability and the crisis in Nepal since 1996 are results of the decision by the Maoists to undertake an armed insurgency.

On February 1, 2005, based on the pretext of the security crisis created by the Maoist rebellion, King Gyanendra dissolved a government he had appointed, assumed all power, and started to rule the country with absolute authority. Despite the verbal allegiance paid by the King to multiparty democracy in his February 1 speech, the King's actions that day served to validate the widespread perception among the political parties and the educated general

public that the monarchy was not in favor of allowing democracy the space or opportunity to succeed. Prior to February 1, the King had publicly expressed his disdain for political parties and declared his determination to assert an active role in the nation's politics. Additionally, it is difficult to understand, even for Nepal's allies against the insurgency (e.g., India, the U.K., and the U.S.), how an extreme measure that alienates the political parties and dismantles the political middle ground helps to achieve the stated aim of combating Maoist extremism.

Undoubtedly, the imperfect and even improper practice of democracy in Nepal in the latter half of the 1990s demands correction. However, in all fairness, such lapses are not uncommon experiences for nascent democracies. Moreover, pluralist democratic systems have demonstrated the ability to self-correct over time without infringing on the fundamental rights of citizens. In post-1990 Nepal there were a great many indications that democracy was being embraced by ever-larger circles of Nepalis as a valid and empowering political medium with growing potential for transforming socio-political structures and relationships that had remained unchanged for centuries. Democracy and political parties have a long way to go in Nepal. However, the Maoists are wrong to assume that liberal democracy in Nepal could never function in the interest of the general good, and the architects of the royal takeover of February 1 are equally wrong. Importantly, the royalist actions seem only to confirm the perception that they do not trust or desire a working democracy with masses of people represented by political parties. To kill the system itself due to governance-problems and sporadic incompetence is the political equivalent of throwing the baby out with the bath water. The Nepali state today, and with it a hard-won democracy, are endangered as never before.

The Nepali diaspora in North America is deeply concerned with the deteriorating political and economic situation in our home country, as well as with the worsening condition of security and human rights. After February 1, members of the diaspora spent two months in intense debate trying to understand the factors leading to the present crisis. The discussion attempted to identify and conceptualize a productive terrain where contending political forces might meet, work, and together help to usher in a new era of democracy in Nepal. Nepali scholars from Kathmandu contributed significantly to the discussion. A central theme that emerged from this collective endeavor is that a solution is possible only if the parties in conflict – the King, the Maoists, and the parliamentary parties – choose to move to the middle ground. This paper attempts to summarize the majority view that emerged out of our discussion. It also outlines various issues that will need to be addressed immediately to regain a middle ground. The idea is to restore, strengthen and sustain democracy under a revitalized state structure and a government that the majority of Nepalis will accept as representative and legitimate.

Views on Conflict Resolution

An overwhelming majority of the contributors to this debate believe:

- All the principal political actors in the current conflict (the King, the Maoists, and the parliamentary parties) have an inherent interest in finding a peaceful exit from the present quagmire.
- The present conflict cannot be resolved solely through the use of the military; it must be tackled politically as well.
- A solution to the present conflict cannot be found without reinstating full democracy, including the participation and leading role of political parties in shaping the future of the country.
- The King must immediately create an environment where parliamentary parties are taken into confidence so that they can fulfill their rightful leading role and the responsibilities vested in them by the 1991 constitution.
- Presently, a vast majority of Nepali people do not support abolishing the monarchy and establishing a republican state.
- King Gyanendra's February 1 move has actually complicated and tarnished the image of the monarchy in Nepal, rather than improving it. Hence, for any other solutions to be viable, the actions of February 1 must be reversed immediately.
- The use of violence to achieve political ends is unacceptable. This applies to any party, including the state.
- A middle ground that considers the aspirations of all the conflicting political forces and guarantees restoration of peace and democracy is imperative.
- Peace and progress in Nepal can be achieved only through more democracy, not less.
- Major structural changes in the nation's administrative system and devolution of political and economic power must be the building blocks of a sustainable democracy.
- The RNA must come under the command of the democratically elected government of Nepal and must answer to the national parliament.
- Legal provisions to punish corruption in public office must be proactive, transparent and universal.
- A comprehensive affirmative action strategy must be implemented to correct the centuries-old problem of ethnic, regional, social and gender exclusion.

The Middle Ground (MG)

A clear consensus that emerged out of the Nepali diaspora debate was that there is no solution to Nepal's conflict unless political forces agree to work towards a common ground. It is evident that any move to the MG requires all contending political forces to shift slightly from their presently held positions. However, there appears to be no need for a major ideological shift. The concept

of the MG is built on trust, good faith, and the commitment to the betterment of Nepal, and is therefore based on the assumption that all political forces desire an exit from the present quagmire.

We take note of the following: 1) the King has repeatedly pronounced his commitment to multiparty democracy and constitutional monarchy, 2) the Maoists have announced their support for multiparty democracy as long as the constitution of the nation is framed by a duly elected constituent assembly, and 3) the parliamentary parties are committed to democracy with a constitutional monarch. Based on the above, members of the diaspora propose that all political forces agree to a MG under the following conditions:

- The King's role in the future constitution should be modeled after constitutional monarchies in European countries (this arrangement satisfies the King's concerns about future stability and assures the continuity of the monarchy as an institution) and the future constitution should be framed by a constituent assembly elected for that purpose (this satisfies the Maoist demand for the election of a constituent assembly).
- The current government should be replaced by a government that enjoys the support of a broad section of the country's population and is composed of representatives of political parties (this satisfies the demands of parliamentary parties and civil society).
- The leader of the new government should be selected by a majority vote of an interim assembly deemed to represent the major political parties of the country.
- The mandate of the new government will be to immediately begin peace negotiations with the Maoists and hold elections within six months after signing a truce agreement.

The construction of a middle ground must necessarily proceed through a series of steps. In the first instance, it should be clear that without a full reversal of the regime shift signaled by February 1, all attempts to create a middle ground will carry little meaning. Political parties in Nepal represent the most moderate elements of the political spectrum, and without them Nepal drifts to the extremes. In a constitutional monarchy, the political parties make it possible for the monarchy to reign without ruling, thus shielding it from the risks that inevitably accompany direct rule.

Therefore, it is imperative that the first step toward the middle ground comes in the form of a dignified and amicable rapprochement between Nepal's two major constitutional bulwarks, the monarchy and the political parties. This should be followed by the establishment of the interim assembly.

It is not the intention of this paper to discuss in detail the composition of the interim assembly. However, there was general agreement in the discussion group that an assembly comprising members of the dissolved parliament, with representation from the Maoists, if possible, will be the least controversial and most effective.

Strengthening and Sustaining Democracy

During the course of our discussions, a series of comments were received on ways to improve democratic practice in Nepal. They were summarized in the last eight items in the section “Views on Conflict Resolution,” presented above. A few of the general remedial principles that came up repeatedly in our discussions are summarized under Section “A”. Section “B” represents a highly compressed version of the diaspora’s specific recommendations regarding the need for a decentralized and devolutionary state structure in Nepal. The two sections complement each other.

Section A: General Principles

Internal Party Democracy: Political leaders no longer enjoy the popularity and legitimacy they had at the start of the new democratic era in 1990. Part of the reason for this is that the internal operation of the parties is neither transparent nor democratic. Younger members of political parties often complain that party bosses run the party like a fiefdom. Party finances are not audited, and the lack of inner-party democracy has made the party leaders and officials unaccountable and has discouraged the growth of new leadership within political parties.

The constitution and other laws governing the functioning of political parties should have the force of a legal contract between the party and its members. When these rules are broken, the aggrieved should have the right to seek restitution in an appropriate court of law. Just as there are better models of constitutional monarchies than the one we have, so there are better models of intra-party democracy and operations, including European and Canadian models.

Political Accountability: It is not uncommon for politicians to say one thing during an election and to do otherwise afterwards. Even developed countries are struggling with the issue of making politicians accountable for their election promises.

In some parts of Canada and the United States, there are provisions for recalling elected representatives if they blatantly violate their electoral promises. Nepal could benefit from considering and incorporating similar legislation.

RNA under the Command of the Government: Under the principles of the Middle Ground, the King’s role will be that of a constitutional monarch. It follows that the King will be the ceremonial commander of the army, but actual command of the army will rest with the elected administration so long as it enjoys the confidence of the parliament. A mechanism for non-partisan deployment of the army needs to be worked out by consensus among the parliamentary representatives.

Arguably, this transition of control over the military will be easier to achieve under a cooperative constitutional monarchy than under any other form of government.

Abolition of Corruption in Public Places: The perception that corruption exists can be more debilitating to political systems than the actual extent of corruption. Nepal is a country where the public perceives a routine, massive, and pervasive level of corruption at all levels of the state. Without going into how and why this perception arose, it is urgent that state actors in Nepal take steps to restore the public's faith in civil institutions and to tackle both the perception and real extent of corruption.

The fact that no country, including developed countries, is free from corruption should not be an excuse to tolerate corruption. It will probably be impossible to eliminate corruption completely, but some of the most corrupt societies of the past are now among the least corrupt (e.g., Singapore and Hong Kong). The most important tools against corruption are the development of a strong civil society, the fourth estate, and vigorous and impartial enforcement of anticorruption laws. The government should encourage investigative journalism, and reward whistle-blowers and public honesty. Eliminating excessive bureaucracy and red tape, lifting undue quotas and import restrictions, and increasing transparency in government tenders and licenses also reduce opportunities for corruption.

Section B: Proposals for a Decentralized State Structure

Individual members of the Nepali diaspora have been at the forefront of advocating for the substantive devolution of political and economic powers in order to strengthen local democracy and address long-standing structural inequities within Nepal. Achieving a workable balance in the distribution of political and economic resources and responsibilities between the center and the various regions is an essential aspect of reducing conflict and maintaining a middle ground in Nepali politics.

The following devolutionary goals have been identified as necessary and practical ways through which the historically over-centralized Nepali state structure might be made to divest prerogatives in favor of the regions. These ideas need to be further refined so that they can fit well in the Nepali context.

Elected regional government: In a diverse and heterogeneous nation like Nepal, a single (and distant) elected central government ends up limiting rather than fostering the people's faith in democracy. By creating layers of regional elected bodies around the country, the concept of regional government will add depth and density to the quality of democracy in Nepal.

Revenue sharing: The Nepali state has not shed its basic extractive and predatory character since its inception. Great economic and development

imbalances persist among different regions. A revenue-sharing mechanism (e.g., hydroelectric power) between the central and the proposed regional governments will balance regional economic growth and will bring more equitable benefits to local populations. Responsibility without financial resources is a recipe for failure.

Modification of electoral representation formula: Democracies are more widely accepted and stable when citizens feel that their votes count. It is being widely accepted that the “winner-take-all” electoral system, such as the one adopted by Nepal, fails to recognize the voice of the minority and increases their sense of political alienation and cynicism about democracy. Alternative political systems that integrate minority representation in government are far more suitable in a culturally and geographically diverse country like Nepal. Many countries have adopted such systems.

Administrative decentralization: “Democracy” means rule of the people. There is no effective “rule of the people” when the administration of the entire nation is sanctioned from the center, with little or no discretionary input or role for local and regional entities. The constitution should spell out clearly the respective jurisdictions of the locality or village, region, and center. The Canadian Constitution can serve as a good example.

Conclusion

The call of our time is to safeguard the accomplishments of the 1990 People’s Movement, to restore sovereignty to the people, and to work towards the middle ground to resolve the nation’s core problems. Success in politics and statecraft, more so than in any other area of human affairs, is inextricably linked to the ability to compromise. Friends and foes must migrate sufficiently towards each other so that the peoples’ business can move forward and flourish. We urge all political forces in Nepal to recognize that great achievements in the affairs of nations come about when leaders practice the art of compromise. There is no dishonor for Nepal’s monarch and political leaders if they follow the path of the likes of Gandhi, Nehru and Mandela.