

Fragile Peace Building in Nepal

AKANSHYA SHAH

The twin task of concluding the peace process and writing a new constitution has been illusive in Nepal since 2006, the year which saw the end of the decade-long Maoist insurgency. An enormous political and constitutional vacuum has come to stay after the dissolution of the Constituent Assembly (CA), which also acted as the Legislature Parliament, on May 27, 2012. The Baburam Bhattarai government has been reduced to a caretaker one and the political parties are engaged in fierce bickering over the next course of action.

The tenure of the CA expired on May 27 and at midnight PM Bhattarai announced fresh polls to the CA on November 22, 2012. However, it is doubtful whether elections will be held by then given the divisive politics and lack of consensus on key issues of national concern. The opposition parties - the Nepali Congress (NC), CPN-UML and the recently split faction of the Maoist led by Mohan Baidhya Kiran- have severely criticised the government's decision to dissolve the Assembly and are demanding Bhattarai's resignation. While the NC and UML have said that the decision for fresh election was unconstitutional and was taken unanimously, Baidhya immediately formed a new party, the Communist Party of Nepal-Maoist, in June citing the demise of the CA as a major reason for the break up from the mother party.

Breakdown of Consensus

At the heart of the crisis over which all consensus fell apart was the crucial issue of the basis of defining federalism — whether to have single identity-based

provinces or to go for multi-ethnic provinces. The NC, which has stood firmly against dividing the country on ethnic lines, was reluctant to give in to the demands of the ethnic minorities, who want state restructuring on the basis of ethnicity. The ethnic groups have been demanding proportional representation to end historical discrimination faced by them since the unification of Nepal in the 18th century. The political parties and the society at large are thus polarised on the issue of number and demarcation of new provinces. A clear ethnic divide – seen between Hill upper caste Brahmin and Chettri on the one hand and Madhesi and Janajatis on the other hand – has emerged in the country and radical agenda is gaining ground.

The United Communist Party of Nepal (Maoist) since the days of “People’s War” favoured an ethnicity-based restructuring of the state. The insurgency drew much of its strength from the ethnic communities who rallied behind the Maoist movement in hope of greater representation, end of discrimination and a complete redefinition of Nepali nationalism. The UCPN (Maoist), which emerged as the single largest party in the CA polls of April 2008, has thus favoured a ten province model to be named on the basis of geography and the largest ethnic group of the particular region, like for instance Bagmati (the current central district incorporating capital Kathmandu) would become Newa-Bagmati as the Newari group form the majority in this area.

The NC, on the other hand, has floated seven-state model, which infuriated the Janjatis across party lines. Ethnic activists argue that reducing the number of provinces to six or seven means that whichever way they are carved out, Bahuns and Chhetris would together constitute the dominant demographic block in the hill provinces. In the NC model, except the plains provinces, all units in the hills put the Janjatis in a minority. On the other hand, the ten-state model proposed by the majority members of the State Restructuring Committee gives a demographic advantage to the Janjatis.

On May 27, consensus thus broke down over the federal restructuring of the state. NC and UML have stood against ethnic restructuring claiming that such a division will lead to total disintegration in a nation that has over 100 ethnic groups. The NC and UML leaders are highly suspicious of the Maoist intention. After the CA dissolution, some NC leaders called it a blatant attempt by Maoists at “total state capture.”

A sense of mistrust among the key stakeholders is holding any further progress on political front.

Present Scenario

The political parties are faced with a crisis of unprecedented scale at present in Nepal. In addition to intra and inter-party rivalries, communal sentiments now run high among the party members. Political workers are united along ethnic lines across parties. A sense of mistrust among the key stakeholders is holding any further progress on political front and is a worrisome sign for peace and stability of the country.

Polarisation within and among the major parties will further pose a problem. Due to lack of consensus, there seems no easy way out. The biggest challenge before PM Bhattarai is from the Baidya group, which formed a new party and has been obstructing every move of the government. The hardliner vs. moderate tussle became clear when Baidhya joined hands with UML to support the intended no-confidence vote against Bhattarai just before the expiry of the CA term. Chairman Prachanda failed to maintain the delicate balance between the two groups within his party, which led to the final split.

The NC and UML too are suffering from factionalism. While NC President Sushil Koirala is considered a weak leader, there is fierce rivalry between NC parliamentary party leader Ram Chandra Poudel and senior leader Sher Bahadur Deuba. With the demise of veteran Congress leader G P Koirala, a leadership vacuum has come to stay in the NC. The UML, on the other hand, is divided into two factions led by party chairman Jhalanath Khanal and senior leader K P Sharma Oli respectively. Oli is backed by powerful UML leaders like former PM Madhav Kumar Nepal.

Most importantly, the informal democratic alliance led by NC has not been able to emerge as an alternative to the Maoist party, which still holds popular support in the country. Maoists are still seen as a force propagating minority rights and espousing the cause of the disadvantaged and backward communities.

There is anxiety among the public who feel let down by the political parties and the CA. They blame the political leaders for not being able to unite for the larger cause of the nation and for their inability to rise above petty interests since the first people's movement in early 1990s. The continuing strikes and *bandhs* have hampered the lives of the ordinary citizens not to talk of the plight of those who live in the far flung backward areas of the country. Corruption and dwindling state of the economy are other major concerns of the people.

Peace Process

The integration process did not turn out to be the way the Maoist leadership had intended it to be. Majority of the combatants from the original 19,000 plus soldiers opted for voluntary retirement. Of the 6500 (the number agreed in November last year for integration), only around 3000 choose to be integrated in the army. This was a huge blow to the Maoist calculation.

The combatants and the hardliners of the Maoist party criticised the manner in which the entire process was being carried out. They have termed it “humiliating” for a force which fought for “people’s cause.” This also became a major reason for the split in the Maoist party. Of the remaining Maoist combatants at the cantonments, many want to choose retirement at the behest of Baidhya faction. Those leaving the cantonments may re-organise. Already, news reports are afloat that those combatants who took voluntary retirement are planning to form a formal organisation.

Although there is a reduced possibility of another armed insurgency in Nepal, this is an issue of grave concern and is important for long-term stability. It should also be remembered that the Maoists did not surrender all weapons to the United Missions in 2007 when the latter was invited to carry out the verification process and take over a monitoring role.

The deployment of the national army in the Maoist cantonments in April this year had no doubt put the peace process back on track and it seemed that the process was gaining significant momentum. Of the 9,705 combatants who had opted for integration in the first phase of categorisation in November last year, 3,129 chose to integrate with the NA by April 19, 2012, the deadline set for the completion of the voluntary retirement process in all the cantonments. The Special Committee (SC) secretariat tally marked 6,576 combatants as having opted for voluntary retirement. They have since been released from the cantonments. But the process immediately suffered a set back after the CA dissolution. The former Maoist combatants are said to be disappointed over the failure of their leaders to complete the integration process after having lived a grim life in the cantonments since 2007. On the other hand, compromise is yet to be made on some modalities of integration including age, qualification and others. The delay will further demoralise the Maoist army, which could create a backlash in the cantonments giving rise to similar clashes that occurred in the cantonments in the beginning of the year.

Although India played a proactive role in establishment of democracy in Nepal since the 1950s, anti-Indian sentiment is entrenched in Nepali psyche.

Implications for India

India has grave security concerns in Nepal. Instability and weakening law and order situation in Nepal can possess grave security threats to India, especially along the long open borders between the two countries, which could be easily used by extremists and terrorists to cross over to Indian states of Bihar, West Bengal and Uttar Pradesh. Already, a flourishing illegal trade and problem of fake currency notes is troubling the two countries. It is urgent that Nepal ushers in peace and stability to take stock of situation at the border regions.

While the two sides have held close dialogues to better regulate the borders and to take measures to control cross-border crime and illegal trade, no efforts have been fruitful. In addition, the two neighbours are yet to sign the contentious border map.

Although India played a proactive role in establishment of democracy in Nepal since the 1950s, anti-Indian sentiment is entrenched in Nepali psyche. A number of factors have contributed towards that, an evaluation of which is beyond the scope of this paper. However, the rise of antagonistic feeling against India amongst the general Nepalese is often exploited by the political parties of Nepal. On the other hand, the India defined “special relation” with Nepal has undergone sea change. India’s perception of Nepali reality has often been eschewed and sometimes short-sighted. China is stepping in almost all sectors in Nepal where India has lost out over the years vis-à-vis Nepal, especially in the hydro-power sector and infrastructure development.

Terai (southern plains of Nepal inhabited by people of Indian origin) will, however, remain strategically important for India in days ahead. India has had much leverage in the plains of Terai. The Madhesi people are at present in the forefront of the political mainstream in Nepal. But the Madhesi parties too suffer from factionalism and deep divisions. From three political parties in CA polls, there are over 17 different political groups in Terai, not to mention a plethora of underground armed outfits in Terai. It is in Indian interest to be watchful of events in Terai.

Way Ahead

The political course in Nepal in the days ahead will depend much on interplay and interrelation between three forces – the Maoists, Madhesis and ethnic

groups. On the other hand, much will depend on the ability of the opposition to incorporate changes in its traditional line. However, there is no option to consensus be it through revival of the CA or by holding a fresh poll.

The President could have a decisive voice in near future in Nepal. Although bound by the Interim Constitution, he may intervene and call for a national consensus government, which will hold the next elections. Soon after the demise of CA, President Dr Ram Baran Yadav urged the political parties to maintain national consensus to resolve the political deadlock at any cost. He will soon have to either go along Bhattarai's recommendation or call for a unity government.

Alternatively, the NC has floated the possibility of holding a referendum on the issue of federalism – whether to go on ethnic lines or to federate on the basis of identity and capability. Meanwhile, political analysts have even suggested formation of a non-political government (similar to Bangladesh model), which would generate a new consensus on the issue of federalism.

However, national reconciliation will be a very difficult task to achieve. There is bound to be more chaos and confrontation in Nepal in days to come. If the political parties fail to arrive at a political decision soon, the country could be pushed into another era of violent polity.

Akanshya Shah is a Nepali journalist and at presently working as Associate Fellow at Observer Research Foundation, New Delhi.