

Struggling for Nepal's Future— Absolute Monarchy to Absolute Democracy

By Kanak Mani Dixit | March 25, 2005

King Gyanendra has taken the people of Nepal on a disastrous course, using the excuse of fighting an insurgency to compromise democracy. Nepali society must be returned to complete democratic rule, which also provides the only means to tackle the raging rebellion and promote social and economic progress in the long term. In order to stop a complete unraveling of the Nepali future, political parties backed by civil society must wrest the state back from the palace and military administration.

Nearly two months after the royal coup of February 1, it is clear that the regime change conducted by King Gyanendra was an attempt to bring back authoritarian rule on the pretext of tackling the Maoist insurgency (also known as the Maobadi rebellion). Since a military solution to the insurgency is impossible even by the reckoning of senior army officers, serving and retired, the proper course would have been to build a front with the political parties and then to engage the rebels. Instead, the king exploited the differences between the parties to prepare the ground for his takeover.

It has also become obvious that there was no plan as such behind the royal putsch, with which the palace was to tackle the Maobadi challenge. The action of February 1 is therefore to be seen as nothing more than a power grab, the only correction to which is a complete return to multiparty government, an end to the state of emergency, and restitution of all freedoms and fundamental rights. The presence of the extra-constitutional Maobadi in hill and plain cannot be used to blackmail the Nepali population and the international community to support discredited authoritarianism. The democratic state is more than capable of confronting the insurgency, as long as the palace and army do not play spoilsport.

On a historical scale, the royal action was and remains problematic in terms of both principle and practicality. It is not as if Nepalis had not suffered through three decades of the Panchayat system under the present king's father and brother. It was that

royalist system which maintained the autocratic continuum into modern day Nepal and whose regressive legacy a dozen years of democracy had just begun to address. Nepalis who were 12 years old in 1990 when the Panchayat was ended are today 27, and they have known no political system other than parliamentary pluralism. Citizens of all ages have found their voice, and for this reason alone the country cannot now be converted into a police state bereft of fundamental freedoms and civil liberties. For too long have Nepalis spoken and organized freely and seen the advantages of pluralism for social and economic progress, and 2005 is not 1960, back when it was possible for King Mahendra to muzzle society through his own royal coup d'état. Indeed, King Gyanendra's takeover has its origins in a 1960 deep freeze that does not countenance current socio-political reality.

Additionally, while the earlier coup was carried out with the help of feudocrat power-brokers, including those who betrayed democracy, this time around King Gyanendra has made no-holds-barred use of the Royal Nepalese Army (RNA). Only a king out of touch with present day discourse and unwilling to listen to the clear voices of social science and common sense could have read out the proclamation of February 1 and taken the actions that followed.

Since it is clear that the royal proclamation was not a knee-jerk action but something thought of months in advance with the help of willing military commanders, there would be some method behind the

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madness. The short term plan, already in implementation, is to act on the fear of the Maobadi and browbeat the political parties while exploiting the latter's weaknesses and differences. Under a particular logic, the longer term plan would be to do away with the 1990 Constitution and develop another document which redirects substantial power back to the monarchy. Thereafter, an election would be conducted where a conservative force is made to emerge in order to sabotage the secular system of parliamentary governance. As in the Panchayat years, the proposed process would look and sound progressive, with sops for historically discriminated communities, but would at its heart be reactionary. All in all, King Gyanendra would be attempting to bring back "guided democracy" by grabbing the keys to the kingdom that have been in the hands of the citizenry since 1990.

Given that such a dangerous agenda is fraught with uncertainties, many who wish King Gyanendra and his dynasty well are keeping their own counsel while sycophants and quislings from the early Panchayat era are emerging from the slurry to try and turn back the flow of history. With the king now chairman of the Council of Ministers, the monarchy is exposed to the turbulence of politics and administration, but it has neither resilience nor goodwill on its side. King Gyanendra has donned a new hat, but does he realize that a blunder has been committed? If there is such realization, then the political parties may yet come to the rescue of the crown on the condition of an absolute and unconditional roll back to democracy. If the palace does not backtrack, the people are in for an extended agitation.

Today, Nepal faces on the one hand a state of emergency, suspension of civil rights and an autocratic military-supported regime. On the other hand, there is the vicious insurgency. The resolution of the Maobadi challenge through dialogue and constitutional course-correction can only be contemplated when there is first a return to democracy. Barring a total collapse of the state, such a return can be contemplated through the reinstatement of the disbanded Parliament or through an interim government put

in place at the initiative of the political parties, with or without the palace in agreement.

Seven weeks after the coup, while we wait for King Gyanendra to reconsider his drastic and ill-advised action, and for the political parties to locate and act on their collective voice, it is time to review the royal takeover as it affects 26 million people of the 40th largest country in the world.

Detention of Politicians

The continuing detention of scores of political leaders and activists is, to put it simply, offensive. The incarcerations fly in the face of Nepal's democratic experience and can never be justified by the palace in the name of fighting "terrorism." King Gyanendra, as chairman of the cabinet, bears direct responsibility for the confinement of political leaders and the continuing clampdown on activists around the country, as he does for all other attacks on civil liberties under the state of emergency. A royal proclamation which repeatedly swore allegiance to democratic values has been implemented through a whole series of undemocratic acts. Article 27 (3) of the 1990 Constitution, which enjoins the monarch to "preserve and protect" that supreme law, has been used instead to destroy the letter and spirit of that document.

Freedom of the Press

The harassment of the media runs deeper than the jailing of journalists. There is a concerted campaign afoot to demoralize reporters, editors, radio producers, and publishers, to break their will through continuous maltreatment. Those working outside Kathmandu Valley are extremely vulnerable to pressures from the district-level military commanders. In Kathmandu and elsewhere, editors of spirited tabloids are forced to submit to frustrating appearances before chief district officers. The royal action has halted Nepal's FM radio revolution in its tracks, and the future of this unique South Asian success story is now in jeopardy.

The dishonorable manner in which this coup was conducted is exemplified by the palace press secretary who told the editor of a leading daily that the army

was in control and he, the editor, “could even be disappeared for a few hours” if the royal strictures were not followed. Today, newspapers and magazines are banned at whim from entry into certain districts, the FM airwaves are empty of empowering news, discussion, and information programs, and clandestine rebel radio broadcasts now fill the resulting vacuum with their vicious propaganda.

Among other ills, the king’s clampdown has made it impossible for the press to cover Maobadi abuse that is continuing. Simultaneously, the media is no longer there to report on excesses by the security forces. The public lies exposed and unprotected as never before. Overall, the advances achieved by print and electronic media over a dozen years of unfettered freedom are being rapidly eroded, and the domino effect on society and economy will be significant.

The Royal Nepalese Army

The military-backed coup conducted by King Gyanendra constitutes a barrier to the evolution of the RNA as a professional force. The Nepalese military, commended for serving in UN peacekeeping assignments over the decades, had found it a difficult fight after it was deployed to engage the Maobadi in 2002. Its image already tarnished since by human rights abuse and disappearances, the RNA now stands accused of being part and implement of a coup.

The royal takeover has forced army officers to take de facto command as local administrators, a function for which they are ill prepared. The longer the RNA is asked to play such a role, the more entrenched will be the anti-democratic and anti-people evolution of the polity. The militarization of society will retard social and economic progress for decades on end, and the RNA risks losing whatever credibility it presently has by engaging in everyday policing, censorship, and otherwise preventing citizens from enjoying fundamental freedoms.

Over the medium and long term, the army’s deployment against the political forces will negatively affect the morale of soldiers and their ability to protect the people. The Nepali army can only evolve into

a disciplined and professional fighting force if it is kept out of public affairs and brought within full control of parliament. The RNA rank and file’s allegiance must shift from the crown to the people, a transition that would enhance the motivation of soldiers and officers alike.

King and Parties

Even though the stated purpose of the royal-military takeover was to fight the Maobadi insurgency effectively, the method of its implementation over the last month and a half seems to have shifted the attention of the state apparatus from counter-insurgency to the suppression of democratic institutions. King Gyanendra’s well-known and unwavering antipathy towards the political parties and their leaders had earlier seemed merely a simplistic error by someone who came late into statecraft. Today, this antipathy begins to look opportunistic, a means to cynically rally support for an active monarchy. What the king detested were obviously not the individual political personalities but the very process of pluralism they represented.

Even more than before, however, a king who has moved to shatter the trust of the parties now needs their support to extricate the monarchy from the quicksand of irrelevance. While King Gyanendra echoes the upper-crust Kathmandu perception that Nepal’s dozen years of parliamentary rule were a failure, this was clearly not the case by any yardstick with which one measures political systems. The onus now lies on King Gyanendra to reach out to the parties with an olive branch, conceding the series of mistakes that started on October 4, 2002 and culminated in the move of February 1, 2005.

As responsible, nationalist representatives of the people, there is no doubt that the political leaders will respond to a bona fide approach. The most urgent task of the political parties themselves is to unite effectively against the royal action, but this is made difficult by timid leadership, inter-party wrangling as well as confusion over priorities at this instance—whether to go for an all-out fight for republic or save the rights guaranteed by the 1990

Constitution first. While some claim that the rank and file in the parties cannot be brought out onto the streets without a “republican” agenda targeted at doing away with kingship, other leaders prefer to stand on the platform created by the 1990 Constitution while working to tie down the monarchy to a constitutional role.

Monarchy as Heritage

The Nepali monarchy is the property of the Nepali people, whose ancestors have invested a lot into the institution over the last two and a half centuries. The particular incumbent on the Serpent Throne cannot jeopardize this common heritage by assuming direct rule in the “twenty-first century” (a century often referred to by King Gyanendra, though neither the Nepali government nor society at large goes by the Gregorian calendar). King Gyanendra, who ascended the throne at the age of 56 without prior experience in governance, does not have the right to decide to be a proactive king and wrest the initiative from people’s representatives. In the “twenty-first century,” here as elsewhere, bloodline or dynastic contribution cannot determine a person’s decision-making power. The Nepali monarch can no longer reign as well as rule, and any other suggestion must be understood as a slur on the people.

Since King Gyanendra’s definition of constitutional monarchy is not in line with the understanding that held sway during Nepal’s dozen years of pure parliamentary practice in 1990-2002, it is even more important to emphasize that a future constitutional monarchy can only be ceremonial, without even the residuary powers he prefers to read into the 1990 Constitution. The monarchy must remain at the pleasure of the people as a supportive institution, which cannot impede social and economic progress through the democratic process.

King Gyanendra’s mistreatment of the 1990 Constitution through willful misinterpretation of its various provisions—such as Article 27 on protecting the Constitution, or Article 127 on removing “impediments” in its implementation—has provided strength to the Maobadi, who claim it is a dead

document. Meanwhile, the royal takeover has strengthened immeasurably the rebel call for a republican state, and further beleaguered those who believe in retaining the monarchy as a link to the history of Nepal and as a utilitarian institution for various social, economic and cultural national purposes.

The future of monarchy is now dependent upon the incumbent being willing to remain “constitutional” under the most stringent definition of the term, meaning ceremonial. But even this has been made difficult by the February coup, which has radicalized so many in the political arena against the institution.

Strength and Sovereignty of State

Nine years of insurgency have weakened the Nepali state and society in numerous ways. It was the Maobadi who brought the ceremonial army out of the barracks to become active countrywide for the first time in the modern era. The rebellion has retarded the economy and hit development activities. It also made India increasingly powerful in national affairs, as Kathmandu sought help from New Delhi to confront the rebels. In each of these areas, from geopolitics to economy, the royal move has accelerated state-weakening trends set in motion by the rebellion. In addition to entrenching the military, the impact on the economy has been significant and development activity is at standstill.

Meanwhile, the great powers with influence on Nepal seem to be willing to let New Delhi, as the “most affected party,” coordinate the international response to both the royal coup and the ongoing insurgency. Given that the nationalist project of the modern era since the time of King Mahendra has been to develop an independent identity for Nepal, particularly in relation to the powerful southern neighbor, it can be said that the state has been that much more weakened by the royal action. New Delhi is now more a player in Nepali affairs than at any time in the last five decades.

Human Security

Without support from the political parties and their countrywide networks and with the police force

sidelined and sullen, the RNA is left to provide security coverage with its limited reach and logistics. While the military is thus over-extended, the Maobadi have the run of large parts of the country. The population in rural Nepal has been left more insecure than ever before as journalists, human rights defenders, and ground-level activists are prevented from carrying out their tasks. Some urban residents in Kathmandu Valley may perceive a respite, but the situation for the majority of the population has turned grimmer since February 1.

The hope of many was that King Gyanendra had “a plan” when he took over—either a secret deal with the Maobadi or the ability to mount a rapid military campaign against the insurgents. Seven weeks later, that hope remains unfulfilled even while the political parties who believe in constitutionalism and rule of law have been violently removed from the middle ground.

A flash audit of the royal takeover would almost certainly indicate that King Gyanendra has made the average Nepali man and woman in the districts outside Kathmandu Valley even more vulnerable than earlier. With the abysmal human rights record of the security agencies, and the count of disappearances frighteningly high, the situation is now immeasurably more dangerous for the people at a time when activist organizations and media are sidelined.

The Maobadi

The long term prospects of the Maobadi rebellion are dim because of the anger of the people at large against the mayhem they have wrought, the stance of the Indian government and other geopolitical factors, as well as the growing fighting capability of the RNA. The continuous need to raise money through extortion, the lowered motivation of fighters unable to make spectacular attacks on army and police garrisons, and the loss of political control over increasingly militarized cadre are other reasons that the Maobadi are likely over time to collapse under the weight of their own contradictions.

For the moment, however, the insurgents have been given a boost in the arm by the royal takeover. They

have been handed an advantage with the clampdown on political activists throughout, which leaves the rebels alone in the field, gun-in-hand. They also now have a powerful propaganda weapon, for an allegedly rapacious kingship has always been their prime target even though the rebellion was started in the mid-1990s against a parliamentary democracy. With the vacuum created by the harsh royal action, many politicians and activists in the districts may now have no choice but to turn to the rebel commissars for sheer political and physical survival.

Meanwhile, the political parties which have faced the brunt of the Maoist violence are asked to keep up the fight even as the rug has been pulled from under them. It is clear that nothing could ever justify the Maobadis’ ground-level brutality against innocents and the unarmed, nor their choice of armed revolution over social revolution in the context of what was necessary and feasible in the Nepali countryside.

In retrospect, it is appalling that the palace ignored the oft-repeated advice of the farmers of the Constitution and political analysts to make common cause with the political parties so as to weaken the rebels politically. Today, King Gyanendra proposes to go it alone militarily and unless there is an unprecedented collapse of the insurgency unrelated to the royal takeover, the population is in for a long haul.

Absolute Democracy

The Maobadi can possibly be defeated by the RNA in the long term if the national economy is sustained and international support continues in both the development and military arena. However, the extended period required for a victory-through-arms will simply entrench the military and exact an unbearable price from the populace. The open society built up with such sacrifice of the people will begin to unravel in innumerable ways.

The one answer to both the political crisis and the Maobadi challenge is a return to absolute democracy. The international community, including India, the United Kingdom, and the United States as the main partners in the state’s fight against the Maobadi, has been steadfast since February 1 in its call for a return

to multiparty democracy. This has been welcome and the international community is to be thanked, but it is unrealistic to expect more support than this from the outside. The battle for restoration of democracy must now gather steam within Nepal. Any resolution brokered from elsewhere will necessarily be more conservative and less democratic (and perhaps more hurried) than one fought for by Nepal's citizens.

For all the world community's good intentions, foreign governments will hold stability of the country more important than transformation of Nepali society through democratic process. After a "grace period" of a few months, it is likely that the external players will settle for a balance of power that favors an evolving status quo, which would not deliver optimum democracy with sovereignty resting entirely with the people.

Meanwhile, King Gyanendra's attempt to run the country as a corporate CEO is taking him back to the discredited loyalists of the palace to run his regime. Since an extended royal rule is obviously not a possibility, one can make out the contours of a royal plan to build a new political terrain where pro-palace political forces are made to emerge. Loyal royalists would be nurtured so as to support monarchical activism well into the future. This would add a dangerous and diversionary departure from the open society that must be re-established in Nepal.

Moving Ahead

As a country which emerged from centuries of authoritarianism only in 1990 (with only a year and a half of democracy in 1959-60), the blame placed by King Gyanendra on a dozen years of pluralism for the inability to deliver social and economic progress is unreasonable and prejudiced. A decade and a half after the People's Movement of 1990, the present should have been a time when Nepalis were fine-tuning their democracy. Instead, we seem to have returned to the drawing board. While the talk until recently was of constitutional readjustment order to deliver a more inclusive state, we are back to the task of rescuing democracy from an active monarchy. Indeed, the time has come to try and save Nepali

pluralism from the palace as well as the insurgents, by means of a principled yet practical resolution.

Where do we go from here? The way is still open for King Gyanendra to work with the parties, as he could have on October 4, 2002 or February 1, 2005. The Maobadi could still lay down their arms and join the democratic parties in above-ground politics. But the royalist and Maobadi mindsets are not variables that one can rely on, so it is important for those who believe in open society to chart an independent course. Only the political parties of the suspended Third Parliament have the legitimacy to lead this charge, because they more than any other entity (monarch, rebel, or anyone from "civil society") represent the people by the fact of having submitted to the ballot.

Evolution of constitutional practice through parliamentary exercise and judicial oversight is the obvious path of political progress, but the shakeup of the polity has been such that there is no escaping the need to revise the 1990 Constitution while standing on the platform it has created. Such a revision can be achieved through a permutation or combination of a number of recourses, including a referendum, election-to-parliament, election-to-constituent assembly, or a roundtable conference of all concerned parties, including the rebels. Constitutional reform would have to address matters which go to the heart of the current discourse, such as ensuring the RNA's allegiance to civilian government; instituting a restrictive definition of constitutional monarchy that defines a ceremonial role for the king; removing the "Hindu" appellation from the description of the state; and transitioning to a federal system of governance based on sound economic and political principles rather than on race, ethnicity, language, or faith.

While constitutional evolution is of utmost importance, however, the immediate task is to rescue democracy as we know it under the 1990 Constitution. Failure to do so can invite adventurism from the extreme left or right. The rapid descent to an authoritarian state requires the political parties to take immediate action to return the people from absolute monarchy to absolute democracy.

The present royal government with the king as chairman is illegitimate under any interpretation of the 1990 Constitution as well as in light of the general democratic principles. A resolution which would “cleanse” the monarchy of the stain of February 1 and at the same time revive the democratic process under the 1990 Constitution would of course be the revival of the Third Parliament. Indeed, no political move could be more people-friendly than to revive the Lower House for a specified period, with preliminary understanding among the main players about the key tasks, such as formation of a cabinet, talks with the Maobadi, and the longer term constitutional issues. If King Gyanendra recognizes the blunder that was the royal proclamation, he may yet opt for a revival of Parliament as an institution—which incidentally would also be a secure dynasty-saving action.

If not a revived Parliament, political resolution would have to come in the form of an interim government under the aegis of the mainstream political parties. If King Gyanendra understood the perils of the moment, he would seek the help of the parties and encourage them to cobble together such a government. Under the reasonable assumption that he will not pick this option, the political parties must present the palace with a *fait accompli* in the form of a fully-formed interim government. Such a government could be an all-party entity, or also include a mix of respected independent individuals. Such a government chosen by the parties rather than by the palace has been a requirement since October 2002, and can still be a means of simultaneously reinstating democracy, addressing the insurgency, and stabilizing the polity and economy.

The establishment of an interim government by the political parties would not obviate further evolution of the polity to respond to the drastic royal move of February 1. This would be an emergency measure to respond to the public’s democratic inclinations as indicated in numerous public opinion polls, and to ensure that the supportive international reaction on behalf of the Nepali people and against royal adventurism is not wasted. Once a people’s rather than king’s government has been put in place, it is important for those in the saddle not to forget the pressing

constitutional, political, economic, and social issues that must be tackled in order to ensure that the fruits of democracy are finally delivered to the people of Nepal.

Hopefully, the crisis brought on by the rebels in the jungle and the king in the palace has brought sober appreciation of the need to reinstate and vigorously protect parliamentary democracy. At the same time, the burden is now on the political parties and individual leaders to conduct themselves in the weeks ahead in a manner that respects the people of Nepal and responds to their trust in the democratic process. The path to the immediate future should be defined by political forces backed and watch-dogged by civil society, to challenge the king and to set up an interim government. The people await their representatives to respond to this need of the hour.

Over the last nine years, the hopes of the people of Nepal have been massively compromised by the violence brought on by the Maobadi insurgency. Now the people have the misfortune to be led in an opposite and equally unrealistic direction by a king who misreads the demands of the so-called twenty-first century. How far can the lot of the people worsen? When will relief come and of what kind? Nepalis still have it in their power to decide for themselves, and to reverse the regime change introduced on February 1. If King Gyanendra will not loosen his grip on the state, the state will have to be pried from him.

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