

## **THRONE BECOMES SEAT OF THE PEOPLE: FROM HINDU KINGDOM TO FEDERAL REPUBLIC**

Dan Logue

Nepal's democratic movement only started in the 1950s following the struggle of the people for democracy against the tyrannical regime on which a dynasty, Rana, ruled the nation and also boycotted the king's power. However this democracy did not last more than 10 years. The then king, Mahendra, took power in a military coup and introduced an authoritarian government, which lasted until 1990. Following a popular movement by the people in 1990, a multi-party system was again established. A constitution was made through a consensus between political parties and the king, which introduced a parliamentary multi-party system with a constitutional monarch.

In 1990 the constitution was promulgated by the king and was drafted by the king's appointees. Hence, this constitution was not able to treat the people equally because it gave special facilities to the royal family and it did not address the inclusion of multiple ethnicities in mainstream politics. Mere language of the constitution "equal before the laws" was not enough to uplift these backward<sup>1</sup> people. In addition to the social problem, there were many political and economic problems. The elected government could not address the rampant corruption and could not establish good governance. Political parties started fighting to grab power rather than following the people's aspirations and needs. Beginning in 1996, and lasting 10 years, Nepal saw a violent Maoist insurgency waged against the monarchy.

In 2001, the Royal Massacre occurred in which more than ten members of the royal family, including King Birendra, his wife, two sons and one daughter, were killed. Then his [the assassinated king's] brother Gyanendra became king of Nepal. After a few months he dismissed the elected parliament. On February 1<sup>st</sup>, 2005, he took power entirely and formed a government under his leadership--all the political parties were outlawed and there was no negotiation with the Maoists.

Rabin Subedi is a Human Rights Lawyer in Nepal. Currently he is doing Public Interest Law Fellowship at Columbia University, USA. Advocate Subedi has filed and pleaded a number of Human Rights and Public Interest Cases at the Supreme Court of Nepal. Advocate Subedi stated his carrier as being one of the petitioners of an Impunity Case, which was filed against the Government in 1996. After the popular movement in 1990, a probe commission was formed to investigate the violation of human rights. The government, however, did not

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<sup>1</sup> The term *Dalit*, also known as backward, is a South Asian term originating from the Hindi word "dal" meaning suppressed or more specifically "held under check." This is a self given name for South Asian people belonging to the lower strata of the caste system, also called the "Untouchables" and is prevalent primarily in Nepal, India and Bangladesh.

take any action to punish the human rights violators during the movement. He also teaches Law, Human Rights and Social Justice at St. Xavier's College, Kathmandu; though he is currently on leave.

Recently, he sat down with Dan Logue, Editor of *Perspectives on Global Issues*, to discuss the current political situation in Nepal.

**DL: How would you describe the public's reaction to the abolition of the monarchy?**

RS: If you talk frankly about the political situation to the people of Nepal, most of the people [had] expected a republic for a very long time. Before the Royal Massacre in 2001, King Birendra was very popular and to some extent it was not possible to overthrow the king. When, after 2001, King Gyanendra took over power through the unconstitutional move, people were not happy and it was the turning point for the Nepalese people to decide their future. On the other hand, the Maoist had gotten support from the people on the agenda of a republic. In the mean time the political parties and the Maoist signed an understanding, which was intended to establish peace, [end]the people's war and [establish a] republic nation via constitutional assembly.

**Is this seen as a movement to further development and openness or is there fear that it will fail as other past attempts have?**

Yes, of course it will be a new starting for the development of the country. We should not think otherwise, but it takes time. Nepal could not develop because of the traditional orthodox rule of the king, which was based on feudalism. Now we have a full democratic system, which is a good starting point. We are optimistic that, on the one hand, we have democracy and on the other hand, the Maoists leading the government are a major political party in the constitutional assembly election.

**What new rights and privileges are granted in the Nepalese constitution?**

As Nepal is in the constitution making process, the achievement of [the] country and [the] people are to be placed formally in the new constitution. Now we have an interim constitution that has guaranteed basic rights. If I point out what are the new achievements, federalism and the establishment of a republic are the main achievements, which make all [the] people happy, yet still, now, federal issues have not been finalized. In addition to this, the country will need to be restructured. All the castes, tribes, women, *dalits*, indigenous people and so on will participate in the nation-building process and mainstream politics as there are more than 100 different communities and their cultures are fundamentally different. Previously, these all were not reflected in the mainstream of the nation and there was domination by the so-called upper caste. We believe that now

Nepal has started a realization of democracy.

**Was there an agreement between the government and now former king in order to guarantee his abdication?**

Formally, we do not know of any agreement. King Gyanendra was dethroned because the majority of the constitutional assembly cast their votes against the monarch, so we can say that he was dethroned by the people in a democratic process.

**Was this a top-down or bottom-up movement to democracy?**

It was both. It was a top-down model because ideas and ideology came from political parties and civil society; but the people carried out the movement from the bottom following [the] ideology of the political parties and civil society organization. The movement in April of 2006, which lasted for 19 days, saw most of the people taking to the streets against the king. Lawyers, doctors, engineers, teachers, civil servants and other professionals also supported the movement.

**There had been a long-standing Maoist movement in Nepal and that leadership also agreed to join the new government, what conditions did they accept?**

The Maoists started their political campaign [by] presenting a 41-point demand before the government in 1996 and these demands were primarily for the people's rights to sovereignty, a republic, a constitutional assembly, etc. However the then government did not listen to the demands of the Maoists as the Maoists were a very small party. They gave an ultimatum that [stated that if] the demands [were] not fulfilled they [would] begin a people's war. Then after some time they started the people's war. By 2006, Maoists occupied nearly 80% of Nepal, excluding the capital area. In the mean time, the king had taken power and betrayed the political parties. As both the political parties and the Maoists signed a 12-point understanding for democracy, peace, republicanism, constitution assembly and more importantly [the] end of [the] violence, the people [took] to the street and supported the agenda of the political parties and [the] Maoists in April 2006. Hence, in the beginning, 4 days were called on, but it lasted for 19 days until the king was compelled to reinstate the parliament, which he has dissolved during his royal coup. In the April 2008 election, [the] Maoists became the major political party in the constitutional assembly and are leading the government now. So, the Maoists have a historical responsibility to make a democratic constitution. They have already agreed to respect democracy, peace and the will of people. The Maoist prime minister assured publicly [that he will] respect peace, democracy and human rights while at the United Nations in September.

**You are a lawyer in Nepal; does the new constitution change the work you will be doing?**

The upcoming constitution will definitely change our work in terms [of] legal proceedings and practice and I think the constitution will be a progressive constitution [in terms of the rule of law] and democracy; whatever we are doing in human rights works will be the same, but better than now. Definitely, if the country becomes a federalist system, some things will be changed.

**Is there belief that democratization will be a positive step for Nepal, in terms of future ties to the West?**

Well, this is a very interesting question. I attended a program with our prime minister last week, which was organized by the Nepalese and I saw in the audience many people from the U.S. and other countries and they had the same question about what will be the relations in the future with the West, especially the U.S., since he is a communist/Maoist prime minister. The U.S. has still not completely removed [the] Maoists from the terrorist list. Responding to the various questions of the audience the prime minister answered that they will respect democracy, development, human rights and peace.

Their ruling system is not very typical of the communist party of the previous world. For this reason they need to have good relations with the U.S. and other Western countries. While at the UN, the prime minister met with many Western representatives to reassure them that the Maoist party would not look like ones of previous eras. It would be a model of [the] 21st century for the development of the people and the nation.

Also, it is interesting to note that when he was elected as prime minister by the constitutional assembly, there was immediate support from the U.S., the EU and other major countries. The U.K. has invited him to visit.

**American media were largely absent during the transition last spring, were media outlets from Asia and Europe covering the event?**

Yes, I don't think [the] American media was totally involved in the issues of Nepal. But during the April Movement of 2006, BBC and CNN (maybe from the Indian bureau) covered [it]. There were not many, however. What I felt when I came to the U.S. was that the people of the EU and Asia were more familiar with the movement of Nepal than Americans. That is not to say that Americans were not aware, but in comparison to others I noticed less in U.S..

**Has there been any assistance offered from India, Japan or the West in this transitional period?**

Last month, the prime minister first visited China and his second visit was to India. Both of these countries are very important to Nepal in terms of its foreign relations. Both China and India have offered to help build some railway lines, wholeheartedly support the government, and since we have such a good relationship with China and India there is no problem. Since there is a democratic system in our country, we don't think there will be any trouble getting assistance from other countries even in Europe or the U.S. But one thing is clear—they are observing the new political situation of Nepal.

**What do you believe is one thing that Nepal needs from the rest of the democratic world in order to be successful?**

See, it is not only the problem of Nepal, but other least developed and developing countries. The developed countries have agreed to provide 0.07 percent of [their] GDP to the government as a part of the Official Development Assistance (ODA). But the ODA comes mostly with conditions of support. The developed countries see their interest before giving support. Similarly, donor agencies such as the Asian Development Bank, the World Bank and IMF, along with the U.S. and EU will provide support, but only with conditions. So, if assistance is provided without [applying] conditions, as in for the necessity of the people or development, definitely Nepal [would] be able to develop very [quickly]. Until now, it has been directed development. No practical realization of development. For example, the Asian Development Bank has said it would agree to fund [development] only if the Nepalese government privatized drinking water, which was handled as a public utility. Following these conditions, Nepal privatized water this year against the will of people, but following the ADB. In short, Nepal needs foreign support and technology but, as per Nepal's necessity, not according to the donors' interests and politics.

**Professionally, how do you see democracy benefiting Nepal going forward?**

I am very optimistic for this because now we have full citizenship after a very long, long, very feudal monarch. Also, as I have already mentioned the long period of violence is over and we [are] going to have a democratic practice. It will take time since democratic culture cannot be established in one day or two days. The Maoists have said they will double-digit the economy following the existing model of economy. So we are hopeful for economic progress too.

**What are some possible economic benefits from democratization?**

Although, the Maoists have committed to a double-digit economic progress in the country, there are lots of worries [that] come across in the minds of people. The change and democracy could bring lots of new things that may help realize development, if it is derived on a proper track. Unfortunately, the Maoists are also following the same model of development, which is entirely a failed model

and was experimented with by the other political parties after the 1990s. They have said that they will adopt [a] market economy for some years. Unfortunately, I don't believe that it is going to work. Unless they think [of] national ownership on foreign aid, bargain with the donor agencies for national priorities rather than on stated conditionalities, investment, control the rampant corruption, their commitment is not going to work. The bitter example of last year is [that] the Maoist minister signed a loan with Asian Development Bank on the conditionality of water privatization. The Maoists had to think about it before accepting the condition. They might have a fear that the ADB could retain the loans; however they should have been able to bargain with ADB rather than accepting loans with conditions because the poor people cannot afford the drinking water price.

If you see the next relevant example, the Maoist led government seems desperate to make big dams for the development. They think that selling electricity to India and making a lot of money is the panacea for development. However, Nepal was not developing because of issues with these big dams--they are not needed in Nepal. It is an unpopular practice all over the world. Nepal needs development that is industrialization, access to electricity, assurance of health and education, adequate food, employment and empowerment and so forth. These things are only possible from use of resources at the national level, and only selling to others when it is not required in Nepal. There is also the issue that the rate for electricity must be reasonable and not set below the market rate. Providing electricity should start with the community level and even if big dams are required [these] should be made with a comprehensive assessment [and] only for industrialization. More than 80 percent [of the] people do not have access of electricity. But the government's priority is to sell electricity. The better option is [to] first deliver electricity to the Nepalese who do not have access, avoid the concept of big dams since they have adverse environmental effects and do not deliver any economic progress to the country. We believe this could help replace petroleum products. The Maoists need to think about this issue more.