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THE PRESS AND THE NATION'S DEMOCRACY RISE AND FALL TOGETHER

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National

CURRENT POLITICAL SITUATION IN NEPAL

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Will the constitution prepared by the constituent assembly bring positive peace in Nepal?

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Peoples' movement Part-2 has brought some "**revolutionary**" changes in some areas and nothing significant in other areas. Many questions are appearing and disappearing in the minds of Nepalese peoples during current, unique, historic political transformation. These questions are:

- Will both the Maoist and Seven Party Alliance (SPA) sincerely implement their understandings and agreements starting from 12-point to Comprehensive Peace Agreement?
- Will the Maoist and Nepal Government succeed to fulfill democratic aspirations of the Nepalese peoples as expressed during 19 days of the part 2 of the peoples' movement of April 2006?

movement of April 2006?

- Is SPA/Nepal Government "kneeling down" to the Maoist or the Maoists are "kneeling down" to SPA/Nepal Government?
- Will the political party leaders continue to indulge in fulfilling their personal/family/petty interests or rise above them?
- Should constitutional monarchy stay or abolished?
- Is the King and his loyal supporters are accepting the harsh reality or they are hatching conspiracies?
- Will impunity persist as usual? or all the perpetrators will get due punishments?
- Should the leaders of all political parties be influenced by India, USA and the UK or by the Nepalese peoples?
- Is it necessary to start restructuring of the state before constituent assembly?
- Whether the political leaders act spontaneously to address the issues of excluded groups or need pressure politics from different oppressed groups?
- Are political parties willing to internal democratization of their respective parties or they want to continue status quo?
- Should SPA and the Maoist make decisions on important matters such as the interim constitution, constituent assembly, electoral system all by themselves at the top without due consultation, participation and ownership of all the stakeholders, and impose to the Nepalese peoples from above? or should these be trickle down ("trick-all-down") or bottom up?
- Will the Nepal Government sincerely implement their commitments for secularism, 33% reservation for women, and untouchability free Nepal or not?
- Will the interim constitution made by the political parties (SPA and NCP Maoist) only would succeed to address the issues of inclusion of all the stakeholders, including women, Dalits, Madhesi and indigenous peoples?
- Will election for constituent assembly be held in June as scheduled or postponed or aborted due to conspiracy?
- Will election for constituent assembly be free and fair?
- Given the continuation of Bahunbad in the political parties, political decisions and appointments, and the understandings and agreements, including electoral system and representations, reached between SPA and the Maoist, constituent assembly will not maintain status quo in terms of domination of one caste, one language, one religion, one culture, one sex and one region?

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- Will the constitution prepared by the constituent assembly bring positive peace in Nepal ?
- Is there a need for people's Movement part-3 for federal democratic republic with ethnic, linguistic and regional autonomy by exercising right to self-determination?
- Some other emerging questions are: How to deal with the past? How to memorialize the past? How to do post-war reconstruction and development? How to do reconciliation? How to get truth?

What have Changed?

People's movement Part-I destroyed partyless Panchayat system and instead, established constitutional monarchy and multiparty political system with sovereignty and state power. People's movement Part-II not only destroyed autocratic rule of the King but opened up a possibility of its elimination and establishment of federal democratic republic. Armed insurgency has now ended. Arms of the insurgents and proportional amount of arms of the security forces are in the process of "lock up" under the supervision of the UN. The Maoist is all set to join the interim Parliament and interim government, if no conspiracies are hatched. All political parties have unanimously agreed to hold constituent assembly by June 2007. In brief, political changes have been unprecedented during the last eleven years of armed insurgency. I view the following as important changes observed so far:

"No war and no peace": Eleven years old Maoist armed insurgency has formally ended after signing of the Comprehensive Peace Agreement between the insurgents and the Nepal Government on November 21 (Mangsir 5), 2006. The guns of the security forces and the Maoists are silent now. Many peoples wrongly assume that silence of guns has resulted in "peace," but it is not true. We have, following Dr. Roger McGinty, "no war, no peace" situation like elsewhere in the world. The current peace, following Johan Galtung, is indeed continuation of 'negative peace' of the last two and half centuries. Such "peace" is a piece characterized by domination and discrimination against women, Dalits, Madhesi, indigenous peoples, mother tongue speakers and religious minorities. 'Positive peace', following Galtung, is not possible without restructuring of the state. The Peace Agreement has made a "*sankalpa*" ("resolution") to do so through the constituent assembly. It should be noted here that the Terai Janatantrik Morcha has raised arms demanding for an independent "Madhes." If the demands of Madhesi, Dalits, indigenous peoples and women are not addressed correctly in time many of these groups could raise arms sooner or later at different times. If Hill political leaders and political parties led by Bahuns-Chhetris do not act in time to give ethnic, linguistic and regional autonomy with right to self-determination to the Madhesi, Nepal will go through either violent civil war or secession.

Dysfunctional institution of the King with a possibility of its elimination: Maoist armed insurgency has hit hard on the roots of more than two centuries old institution of monarchy in Nepal . Royal massacre of 2001 and subsequent royal takeover has added fuel to fire. Maoist insurgency stripped off the institution of the King at the political front, and the royal massacre stripped it off at the religious and cultural fronts. Together monarchy has turned out to be a sick "white elephant." Millions of peoples, who marched in the streets during 19 days long Peoples' Movement Part-2, chanted slogans against the institution of King and demanded for its abolition. Respecting the loud and clear voice of the Nepalese peoples some political parties have demanded for abolition of monarchy and many political leaders, intellectuals and young cadres of Nepali Congress (Koirala) have made similar demands. The Parliament has stripped off active role of the King on the one hand and passed some resolutions and amended some Acts with an intention of continuation of constitutional monarchy on the other. SPA/Nepal Government and the Maoists have agreed to decide fate of monarchy by the first meeting of the constituent assembly with a decision on simple majority. This particular provision has given a chance to play foul by the visible and invisible supporters of the King to abort or postpone constituent assembly through conspiracies.

Heading towards 'federal democratic republic' : SPA and the Maoists have now agreed that unitary state is no more functional in Nepal . They all have agreed that federalism is its alternative. However, Maoists and SPAs differ immensely on the types, nature and basis of federalism. SPA wish for federalism without right to self-determination and ethnic, linguistic and regional autonomy. They opt for proportional representation as a goal and aspire to practice reservation of seats or affirmative action for women, Dalits, Madhesi and indigenous peoples at all levels. Indigenous peoples and Madhesi who have already practiced 9 autonomous regions during armed conflict are very serious in its institutionalization through constituent assembly. Maoist Supremo Prachanda had said in an interaction with indigenous peoples' leaders that no one, including their own party, could stop ethnic and regional autonomy from being a reality.

Promise for inclusive restructuring of the state: Restructuring of the state by ending monarchy, Bahunbad/Brahmanism (previously *Khas Ahankarbad*), patriarchy and the Hill domination were the key Maoist agendas, which indeed were politicization of the aspirations and demands of different excluded and marginalized groups such as Women, Dalit, Madhesi, indigenous peoples, mother tongue speakers and non-Hindus, who were forced by the state to confine their agenda within the limits of social and cultural issues. In the past political parties belonging to SPAs, except the Nepal Sadbhavana Party, were not in favor of such radical changes, though they

used to pay lip service that their respective political parties are also fighting for these groups' rights. The Maoists had demanded for restructuring of the state in the interim constitution itself but SPAs did not agree with such demands. As a result, in all understandings and agreements reached so far between SPA and the Maoists, both have agreed to do restructuring of the state through constituent assembly.

What have not Changed?

In spite of the changes that I just mentioned, changes have come and gone, peoples movements have come and gone, armed rebellions have come and gone, political system has come and gone, political leaders have come and gone but Bahunbad or domination or hegemony of one caste (Bahun-Chhetris), one language (Khas Nepali), one religion (Hindu), one culture (Hindu), one sex (male), one class (ruling) and one region (the Hill) has stayed for ever. The interesting feature of the recent dramatic political evolution is that the Maoists rebels have forced SPA and its leaders to be willing to bring some political changes whereas SPAs have forced the Maoist rebels to be willing to compromise that favors for the maintenance of Bahunbad. There are many instances of continuation of Bahunbad now and in future, which indeed has raised suspicion among different excluded groups that even the constituent assembly may not address their demands adequately and sincerely.

Lack of internal democracy within the political parties : In multiparty political system, it is natural that political parties represent people's voice and they act to fulfill them. According to the Comprehensive Peace Agreement, 209 members of the House of Representatives and the National Assembly will continue to be the members in the interim Parliament. However, political parties, including the Nepali Congress and the Nepal Communist Party (United Marxist Leninist), in Nepal are fully controlled by Bahuns, and to some extent by Chhetris. Also, it is equally true that among the Bahuns, certain clans and families have maintained their control. These political parties are not yet willing to practice democratic practices within their respective political parties. It is hard to imagine changes in other fields as long as political parties remain in control within a handful of Brahmins and Chhetris. It is due to such undemocratic practices, the composition of constitutional bodies, including the Election Commission, formation of new political bodies such as the peace dialogue team, interim constitution drafting committee, ceasefire monitoring committee, current House of Representative, current council of ministers etc. are all dominated and controlled by the Bahun-Chhetris. As a result, no matter whether it is an agreement between SPA and the Maoist of November 8 (Kartik 22) or CPA of November 21 (Mangsir 5) of 2006, Bahun-Chhetri political leaders have tried to ensure to continue their hegemony as they have agreed to mixed electoral system with first-past-the-post election from existing 205 constituencies and proportional election of 204 members by making it inclusive. Additionally political parties would nominate 48 independent civil society leaders and experts. Excluded groups such as women, Dalits, Madhesis, and indigenous peoples have two choices: either get involved in the existing political parties or form their own political parties. As long as political parties fail to democratize themselves and make inclusive representations from top bottom and to allow "elected" or nominated leaders belonging to different excluded groups to raise their groups' collective agenda, these leaders would continue to maintain the status quo. If these excluded groups should form their own political parties they have to face many hurdles, including refusal to register their political parties by the election commission, implementation of divide and rule policy by the "mainstream" political parties against these groups, and it takes time to get politically organized.

Cosmetic political changes for the maintenance of Bahunbad : The Summit Meeting of November 8, 2006 between the top leaders of SPA and the Maoist has made far reaching agreement. Two structural changes mentioned in the 3rd and 9th points of 3rd theme of the Agreement are most significant: (1) interim parliament, and (2) election for constituent assembly. According to the Agreement, interim parliament shall comprise of 330 members, including 209 members of the current Parliament, nominated 73 members representing the Maoists and 48 representatives of sister/fraternal and professional organizations, "oppressed" caste/ethnic and regional groups and political personalities by SPA and the Maoist). Constituent assembly shall comprise of 425 members, including 205 members elected on the basis of first-past-the-post, 204 members elected through proportional representation of the political parties and 16 national personalities nominated by the interim Council of Ministers. These two significant structural provisions look good in appearance but are highly problematic in terms of maintenance of status quo or Bahunbad if we scratch the surface and go deeper into it.

- Existing and in-coming interim parliament will make several decisions and enact laws. In democracy majority will prevail. We all know that overwhelming majority of current parliamentarians and political parties and its leaders are Bahunbadis. We can not expect inclusive, i.e. proportional, representation of not only of women, Dalits, Madhesis and indigenous peoples but also of the Maoists. Although declaring Nepal as a secular state is a welcome decision of the Parliament, almost all of its decisions are fully guided by Bahunbad/Brahmanbad and patriarchy. As a result continue to become a national animal not only in the draft interim constitution prepared by a committee led by Laxman Aryal but also in final interim constitution agreed by the Summit Meeting of yesterday night.
- **Current 205 electoral constituencies are biased against women, Dalits, Madhesis and indigenous**

peoples. In the existing House of Representatives there is not even a single Dalit representative among its 205 members and only 12 women are its members. Madhesi constituencies are configured in favor of Hill peoples, and indigenous peoples' clusters are broken into numerous pieces in favor of Hill Bahun-Chhetris. Given these facts, any one can easily predict that during the election in 205 constituencies, women, Dalits, Madhesis and indigenous peoples have least chance to get duly elected unless political parties first becomes inclusive and election tickets are distributed inclusively in proportion to caste/ethnicity, sex and region. The Maoists have already declared that they would provide maximum number of seats to indigenous peoples and Dalits and at least 40% to women. We could give benefit of doubt to the Maoist that they would be inclusive because they were mostly unable to do so in the past. It is very difficult to believe that SPAs, specially Nepali Congress (Koirala) and NCP (UML) would pursue and practice inclusion sincerely. Same problem would be inherited in proportional election of 204 seats of the constituent assembly. Nepali Congress wants proportional based on the votes received during the election for first-past-the post whereas others want to make it really inclusive with quotas for women, Dalits, Madhesis and indigenous peoples.

- Parliament makes laws, including electoral laws. Election Commission makes rules in consultation with political parties. Political parties field/nominate their candidates for the elections/vacant political positions. All their decisions are guided primarily by Bahunbad and hence, it is difficult to expect that they would fulfill the aspirations and demands of different excluded groups.
- Although Nepal Government/SPA and the Maoist agreed to hold election for constituent assembly by June 2007, delay in monitoring of the arms by the UN, delay in finalizing the interim constitution and formation of interim Parliament and council of ministers, delay in enactment of necessary electoral laws, delay in distribution of citizenship certificates to four million Madhesis etc. are indeed making it hard to hold it in the scheduled time. The delay would cause further delay due to arrival of monsoon, Dasain and Tihar festivals of the Hindus, followed by the arrival of the winter season. It would take to March of 2008. During these time many conspiracy could be hatched by regressive forces, including the King and/or royalists and foreign forces. All these delays might go against holding elections for constituent assembly as in the past, restructuring of the state and addressing the problems of women, Dalits, Madhesis, indigenous peoples, mother tongue speakers and non-Hindu religious groups.

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