An Appraisal on Second Democratic Experience in Nepal (1990-2004)

Uma Nath Baral

Democratic system has been exercised two times in modern Nepal. The first exercise was made immediately after the autocratic Rana rule collapsed in 1951. The democratic system introduced for the first time lasted for about 10 years. Authoritarian Panchayat system overlapped on the first democracy in 1961 and it continued for 30 years. In the wave of worldwide democratization, Nepal reintroduced as a democratic state in April 1990. Now it has been running for nearly 15 years. This article basically focuses on the experiences of second democratic exercise in 1990 to mid 2004. What and how have the experiences on ongoing democratic exercise been felt ? To point out the present democratic condition and recommendation for the on-going conflectual politics are also the main objectives of this paper.

Introduction and background

In 1951, the democratic system was introduced in Nepal after the success of anti-Rana agitation. After the failure of the feudal autocratic Rana rule, the first experience on democracy went almost 10 years along with the background of century-long traditional patterns of culture, which made confusion and conflict among the various political actors. King Mahendra stepped for his direct rule through coup in 1960, over a nascent democracy. Political parties were banned and civil as well as political rights of Nepalese citizens were made passive for thirty years. Political parties even if banned, and their different sister organizations especially, student unions launched continuously "a long and arduous struggle for democracy" (Baral, 1993:3). In the beginning of 1990, along with the global trend of democratization the various counter forces of Panchayat came to join the hands and proclaimed the reestablishment of democracy against the Panchayat system. Diverse of Communist blocks came under the umbrella of United Left Font. This force and Nepali Congress, both led the mass movement from Falgun 7 (February 1990) as a 'War ki Par' (either go victory or down) over existing Panchayat system. Nearly, two months long movement supported by various professional and Human Rights organizations along with the common people, succeeded to reestablish democratic polity in April 1990.

Immediately after the proclamation of multiparty democracy in Nepal, an interim government was formed. A commission for constitutional recommendation was also formed. As a result, the new constitution, the constitution of the Kingdom of Nepal-1990 came for the institutionalization of democratic polity in Nepal. The concept of constitutional monarchy, multi party democracy, human rights and independent judiciary in terms of sovereignty vested people along with participatory and pluralistic democracy are the basic characteristics of this constitution. Under the provision of ongoing constitution of the Kingdom of Nepal, 1990, three general elections and two local elections have been held in which Nepali citizens gave their consent for the formation of government of parties at central and local level in post 1990.

The first general election held in 1991 and NC formed the government (1991-94), UML and other petty parties were in the opposition. The CPN-UML ran the single largest party's government (1995) and NC with other parties remained in the opposition due to the result of mid term general election, held in 1994. In this election no party had got the majority in House of Representatives (HOR). After the fall of UML's minority government, the different coalition governments (1995-98) were formed in the sense of hung parliament in Nepalese political culture. Again NC government (1999-2002) was established from the result of third general election in 1999. These governments have negative and positive impact on political culture, in the sense that they have performed and committed to a lot of work for participatory and consolidate democracy on the one hand, and have played numbers of immoral tricks to ruin the healthy political atmosphere, on the other.

Positive impacts

If we have a slight view at the post democracy era (1990-2002), the peoples' representatives of different governments principally tried to strengthen and consolidate democratic polity in various forms of government, encouraging rights-based governance, stressing institutionalization of democratic values including parliamentary democratic and participant political culture and enhancing through various measures by the involvement of people from different strata of society.

The three general elections and two local election were held, virtually in peaceful atmosphere and accepted the layout of election result along with the transfer of power at central and local government among the political parties. "The electoral process is clearly not a sham since a party in power can be voted out, as in fact happened to Congress in 1994 and would have happened to them in 1999 had the UML not obligingly split in 1998" (Whelpton, 2003 : 5).

The democratically elected governments in post 1990's days ratified 9 more international instruments of human rights and 5 ILO conventions that in one way or the other tried to encourage participation of all section of people in mainstream politics and include them in the decision making process (Dahal, 2004, 4-5). Besides these, the post 1990's governments have implemented and formed various commissions at central level in order to preserve their interest and participate in

policy formations for those people, especially who are exploited, suppressed and oppressed in the name of woman, cast-creed and dalits. Nepal Women Commission, Nepal Indigenous People's Council and Nepal Dalit Commission were organized along with the identified 61 Adibasi Janajatis. Human Rights Commission, a semi-constitutional organ is formed to monitor and watch over the human rights conditions of Nepal. Various NGOs, INGOs, community-based organizations, pressure-groups as well user groups are flourished. In order to open political system as well as to attempt to attract the wider sense of participation in democracy, these organizations have been facilitating the people to protect and preserve their rights. Likewise, various positive impacts on the marginalized groups, i.e. women, dalits and janajatis are resulted. Participation in decision-making at local government is prefered under the concept of local self government act. Government of central level tried its best to provide funds for local bodies and the power of decision-making and implementing their rights. The bonded labourers as the blackspot in humanity, mainly in Western Nepal, are emancipated from their slavery and government tried to manage their life providing few kattha of land, shelter and food. Democratic regime started as a conventionally providing allowances for senior citizens, disabled and widow women, which has given a little bit relief in their life. These achievements show that the governments of post 1990's tried to encourage and address people in general, particularly, the disadvantaged and marginalized group not only for making of their role in decision-making process but also for enjoying the fruits of democratic achievements.

Negative Impacts

However, almost governments of post 1990's accepted policy making process to uplift the disadvantaged groups like women, dalits and janajati etc. in mainstream of democratization along with their formation and organization and also signed on various treaties and conventions regarding human rights. These types of functions have been done, principally, through various governments as a constitutional order in open pluralistic society and some of them pressured under the international donor agencies and communities to disseminate in favour of democratic norms and values. But whatever the negative cultural formed and extremely exploited on constitution of the kingdom of Nepal, 1990 by post 1990's governments in the name of democracy once not said these have done in democratic culture. Therefore, if we turn the recap of 1990-2002 political scenario, the facts proved that these governments were most irresponsible and unaccountable as the democratic polity towards the constitution and the people in general. Not only the government and its organs but the intra and extra party conflict moved the Nepalese polity into unstable, anarchy and hence into vary serious crises. It is generally agreed that it is not easy to dramatically and immediately include all classes of society in the entire government process whereas the society remained mainly totalitarian, fatalistic feuded and patro-clint culture. However, the various governments exploited and violated the constitutional provision and democratic norms along

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with the misused national resources. That is why whatever problems the country has suffered for 7 years as a result of Maoist insurgency, it has been dragged still deeper into mire of conflict and war. A serious political conflict spread all over the nation due to inefficiencies of politicians and administrators. Ultimately they happened to prove themselves irresponsible towards the democracy and the people at grass root. Therefore, the governments and political parties of parliament in post 1990 are largely responsible for the detoriating condition of the country. This paper is an attempt to analyse which party and its government appears more responsible for the disturbance of democratic process and failure of the constitution and driving the country in such a present painful crises.

The first general election for House of Representation (HOR) was held in 1991. The mass movement was still the powerful force to make the parties win the election. NC got a majority to rule and CPN UML became the largest opposition group, GP Koirala became the first elected Prime Minister after the People's Movement of 1990. The people of Nepal had high expectation from this new government, because the parties and leaders urged people for involvement in Mass Movement, 1990. They had given the words that their life would be easy in the new democratic system rather than in the autocratic Panchayat system. But Koirala government did not sketch any vision and policies for sustainable development and upliftment of the people of middle and lower classes. As Koirala government started working, it faced many crises from the main opposition and also from his party at the same time. The civil servant movement, issue of Tanakpur Treaty, human rights including the implementation of Mallik Commission report and the demanding of high level commission on Dasdhunga case were such crises, which the Koirala government failed to solve. It was still a great surprise that he fell in real trouble not from the opposition party and the people but from his own party-NC. The NC party itself was to follow the troika leadership as G.P. Koirala, Krishna Prasad Bhattarai and Ganesh Man Singh were almost equally influential in their party leadership. After the death of B.P. Koirala, the collective leadership had been practicing among the Ganeshman Sing (the supreme leader), K.P. Bhattarai (party president) and G.P. Koirala (head of government). However, troika failed to appreciate that the important decisions of the party were to be based on the consensus of three supreme leaders. "G.M. Sing increasingly became critical of Prime Minister Koirala's style of work and alleged that Koirala had violated the basic understanding reached among the troika regarding high level appointments by the government. As a consequence not only serious ruptures were evident in the troika structure of the NC leadership but also deep polarization of the factions around Prime Minister G.P. Koirala and party president Bhattarai's leadership threatened the very unity of the NC as a ruling party (Khanal, 1995, 63-64). The conflict increased when Koirala kicked out the six ministers of his cabinet and it reached the climax when "Bhattarai's defeat caused the resurrection of demands for the resignation of Prime Minister Koirala with allegation of *'antarghat'*

(sabotaging) in the election" (Hachhethu, 1995, 79). At the same time 36 MPS in HOR from NC organized themselves as a dissident group of anti Koirala Panel. When Koirala refused to resign from the post of Prime Minister, this dissident group threatened to oust him by means of the no-confidence motion, being tabled by main opposition UML. This dissident group continued their pressure tactics for the resignation of PM, as a result the 36 MPS were absent in HOR on the process of voting on official thanks proposal. Therefore this proposal failed and the government remained in minority. Koirala did not resign the post but recommended to the King for the dissolution of HOR and declared mid-term general election.

The result of 1994's election for HOR had changed the political scenario. CPN UML became a largest party but it did not have the majority of seats in the parliament. The NC and other smaller parties had to be in the opposition. The UML had got the chance to form a minority government under the constitutional provision. Prof. Baral rightly said that "for the first time in the history of South Asia, the communist government was formed at the centre by virtue of being the largest party in the HR and also due to NC's acceptance of defeat saying that NC was not eager to form a coalition government as it had lost the mandate to rule" (Baral, 2000, 26). But this government was in crises within six months, such crises were unfortunately faced because the NC wanted to lead coalition government followed by national democratic party (NDP) and Sadbhabana Party (SP) also the UML undermined the relationship with oppositions that in keeping not its majority in HR. Sher Bahadur Deuba had become a leader of parliamentary party of NC, he seemed inpatient for the formation of coalition government. Therefore, NC withdrew its support to UML government and urged to King for special session if the HR under the constitutional provision in order to register no confidence motion against the government.

Prime Minister Manmohan Adhikari using the prerogative power, made attempts to dissolve the HR and peoples' new mandate for governance. The House of Representatives was dissolved. But with the decision of the Supreme Court, the HR was re-established. This restored House became a playground to make and unmake the government. The MPS and the parties became vulnerable (unstable). They imparted negative impact on the political culture of the whole nation. As a result, democracy as a form of government became unstable and corrupt. Ultimately democracy turned into an irresponsible governing system. What was most undesirable is the fact that the verdict or the supreme court was debatable. "Supreme Court's verdict of August 1995 against the the Prime Minister Manmohan Adhikari's dissolution of the HOR was a prelude to invite political uncertainty, instability and anarchy" (Hachhethu 200, 106).

Prime Minister Adhikari resigned from his post after being defeated in HOR on the no confidence motion tabled by NC and other oppositions. The coalition government was formed led by Sher Bahadur Deuba from NC followed by NDP and NSP. This coalition government emasculated the democratic system and neglected

the unified interest of nation and people in general. While the leadership of NC, pro-democracy party, whereas the key role of RPP from former Panchas, the coalition government triggered off negative culture in nascent democracy. The members of government were busy in numerous spasmochics and illegal practices.

In the mean time, there was division in United People's Front (Samyukta Janamorcha). It was divided in two factions. One led by Nirmal Lama accepted the ongoing constitutional democratic process, whereas the next one led by Baburam Bhattarai and Prachanda, declared in favour of Maoist radical path with violence and arms for the change of monarchial democracy into People's Republican democracy. Such revolt began with gun in the name of People's War since April 1997 from Western Nepal and it gradually spread to the whole country and it has made the rule of the central government loose and ineffective. Nearly 15,000 people have been killed, thousand of people have been made disabled as well migrated to Kathmandu and other cities. Many infrastructures of development have been destroyed due to the revolution. Hence the nation is facing a situation of disorder and corruption. Human rights are extremely violated. Citizens' life and property remains insecure.

Among political parties and even leaders within a party there developed a culture to dismiss the existing government and form a new one. This type of culture was formed first by NC and was followed by RPP, SP. UML also followed this route and along with the members of RPP in HOR registered the no confidence motion against the Deuba's government. The ruling party played a trick to send some MPS to Bangkok tour in the name of medical treatment. PM Deuba was saved from this motion but the government remained minority. PM Deuba was under intra party and extra party pressure for the show of majority in HOR. Simply for the absence or two MPS (without their presence majority of ruling party was impossible), the Deuba government failed. Two leader of NDP, Lokendra Bahadur Chand led the next coalition government followed by UML and SP, this government also failed to hold majority in HOR within six months, because the party president of NDP Surya Bahadur Thapa made a plat with opposition NC against his own party's government. Mr. Thapa was then next PM followed by NC and SP. This government too could not last long. Due to the conflict between his partners, NC. G.P. Koirala again became a Prime Minister as a single largest party in the HOR, where as aftermath the big party UML splited into two division - i.e. CPN UML and CPN ML. CPN ML first joined this government to increase the power in counter to CPN UML. but this relationship did not go more than six months, therefore ML got back from the government and CPN UML made coalition government with NC under the Prime Ministership of G.P. Koirala. The NC and UML coalition force held the next third general election for HOR.

The hung parliament (1994-1999) resulted from the midterm general election in 1994 became fruitful to the interest of smaller parties i.e., NDP and SP for their parochial interest. They were happy when the major

parties NC and UML failed to take right decision. Therefore, unprincipled governments were formed in quick session and they enhanced their bargaining capacity for forming equations in parliament and they involved in numerous immporal and undemocratic practices. Once the RPP said that the key to any coalition government lay with it forcing the two major parties the NC and the CPN-UML to kow-tow before it. It was the most humaliating part of the whole exercise carriedout in the name of democratic governance (Baral, 2000, 39)

The third general election, which was held in 1999, produced the result as the first in 1991. NC got absolute majority and UML along with NDP, SP and others were in opposition. The splited ML from UML, has secured 6.35% votes and was able to be registered as a national party, but could not secure a single seat in HOR. Therefore NC victory was due principally to the split in the UML in 1998, and again NC did not manage the authority of state as a government properly. If ML secured votes had gone to the UML candidates, the parent party would have won an additional 43 seats. 40 from Congress and 3 from NDP, thus gaining a comfortable overall majority (Whelp ton, 1999, 25-26). Had this expectation been fulfilled, there would have been a stable government. But the NC government under the leadership of Krishna Prasad Bhattarai proved unstable because there arose a bitter conflict within the NC party for the post of PM with in a year. Bhattarai resigned being a desperate, G.P. Koirala again possessed the power of PM. On the ground of a continuation of power struggle within a NC, Koirala himself did not consider much in terms of stability and easily ran the government. Beside these he had failed to solve many challenges and crises from Maoist and others one after one. The heavy attacks from Maoist in Western Nepal and many government personals were in casualty, PM failed to mobilize the security forces. Misused in Aero plane Dhamija-Lauda case, rampat corruptions were such scandal in his tenure. The Royal Massacre, in which King Birendra was killed along with his all family members also got stamped as black spot and mastery in history. This was because the role and responsibility of the Prime Minister had not transparent. The defensive role of the government was completely lacking. Neither the P.M. nor the defence minister resigned in such a critical situation. The Prime Ministership of Koirala, now was in crisis, not only from opposition but also from his own party. As a continuous conflict in NC, the next leader of NC, Deuba was sworn in as the Prime Minister, replacing Koirala, but he was provoked again from the Koirala alliance. Therefore, Deuba urged the King with recommendation for the dissolution of HOR and its new election was declared. By the time PM Deuba and other few leaders of NC were kicked out from party, these exile leaders and workers formed a new party called NC (D) under the presidentship of Deuba. Deuba imposed the state of emergency second time in the country after the failure of negotiation with Maoist. Inspite of legal provision, PM Deuba did not extend the tenure of representative of local government while their tenure ended. New election for such bodies was

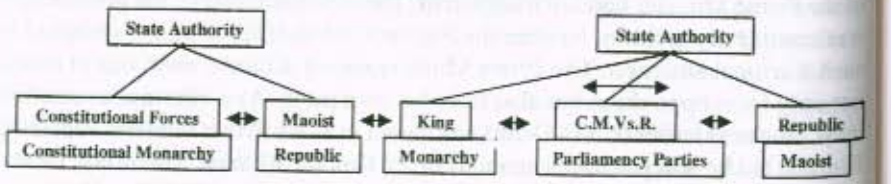
not possible at that time. The conflict between Maoist and government kept increasing for the extension of his tenure for two years on the pretext that he would be able to remove the difficulties and thereafter he would hold the election.

The above presentation from various political forces prove that the democracy for only political leaders not for the common people. They have practicised many undemocratic culture on the conventional concept of democracy as "Freedom Order and Equality" (Janda, et.al. 1992, 4-19). The twelve years democratic exercise is so called, because the parties in government did not provide any programme and policies for the marginalised people in respect of cast, ethnicity class and sex. The large segments of people in society remaining unequal sought freedom for their interest. The whole state is suffering from disorder and violence. People in general do not feel that there is government to provide them the state of order, equality and freedom.

The Politics of Post 4 October 2002

King Gyanendra dismissed the Deuba government accusing him as an 'incompetent Prime Minister' in 4 October 2002. There were no elected bodies at central and local level, King tried to play active role as assertive monarchy by first Lokendra Bahadur Chand and then Surya Bahadur Thapa appointing as a Prime Minister from the royalist party. NDP for nearly two years. However, the overall deteriorated situation of the country did not improve. Parliamentary parties started demanding constitutional rule on the one hand and the government directly appointed by the King also failed to make coalition all party government as well as to keep peace and stability in the country on the other. After October 4, 2002, the political conflict between two polar (constitutional forces and Maoist) turned to three polar as the King, parliamentary parties and the Maoists.

The constitutional forces included King and parliamentary parties, divided in to parts, because King's role to rule the country as assertive monarchy by his nominees. But the parliamentary parties yet antiguity, whether they are in favour of constitutional monarchy or republic democracy.



(Pre October 2002) (Post October 2002)

The activities from both sides (King and Maoist), tried to minimize the importance of the parliamentary as well as constitutional democracy that came into practice in 1991. The traditional feudal force and radical insurgents both started weeding roots of multi party democracy. King wants to reestablish active monarchy, while the Maoists want to replace royal authority by their Republic

dictatorship. They have succeeded in thwarting democratic elections, in derailing parliamentary democracy and pushing the country into agohisingly painful conflict (Acharya, 2004, 6).

Unfortunately, for the last few years Nepal is facing so many events of bombards, the message of murder and kills unprincipled political somer saults, corruption, denial of human rights and amenities as justice, administrative incompetence, lane after lane of dark insidious intent without exit. It seems Nepal as a "failure in revitalizing the state" (Khandwalla, 1998, 1-14). We need to serve positive approaches along with consent making between and among the conflectual pollars in order to preserve national interest rather than parochial consideration. By the way, after 20 months of sacking elected Prime Minister, the King was under pressure from all quarters to reappoint Deuba as a Prime Minister. It was big personal relief for Deuba to be reappointed as PM and leading a coalition government including UML, whereas he was thrown from his post with the royal allegation of him being 'incompetent', when he could not hold the election for HOR. But he faces many crises rather than 20 months before because "time has gone far ahead, the graver situation and challenging issues on negotiation and administration, if his administration fails, he might be accused of handing over the civilian government to the army", hence a weak PM in failure state. He has crucial challenges first, to give stable government with balancing his coalition partner basically UML and king along with other opposition, second to solve the peaceful settlement on the dispute of Maoists insurgent in respect to constitutional assembly, which is now considered the botton line of the negotiation process. "However, PM Deuba has a golden chance of bringing peace in Nepal by holding behind-the-scene negotiations with the Maoists as he had plan-ned towards the tag end of his last tenure in the government. If he fails to do so, he will go down as the most despised Prime Minister in Nepali History" (Shrestha, 2004, 6).

Negotiation Process

The history of any conflict over the world, only came in such a conclusion, that can't get solution through only violence and war. Nepalese conflictive parties should realize the lesson from IRA in UK and LTTE in Sri Lanka, in the sense that war brings only causes of violence or humanity, it doesn't mean the solution of any crises in this 21 century. Nepalese Maoists and government should realize this fact and go forward to the peaceful process. "A process begins when both sides recognize unilaterally that they can not win militantly because of the high cost". In the history of Nepal, there have been negotiations the power holders and the rebels. In the revolution of 1951, there was negotiation between the freedom fighters and the Rana-rulers. And even in the people's movement of 1990 too, there was negotiation between the all-powerful King and the leaders of various political parties. In such negotiations, the root causes of conflict had not been addressed. In this sense those negotiations were virtually the failures in terms of their lasting impact and durable effect. Only the politicians as game players benefitted from them. Therefore,

"that the negotiation must address the root causes of the conflict. There is a danger that there will be overshadowed by the immediate power political and constitutional questions (Bloomfield, 2004, 6).

In Nepal, the situation seemed that there is a little possibility of starting peace talks between the state and the Maoists in view of the failure of the third round talks and the lack of proper commitment from conflectual parties with respect to peaceful settlement of dispute. Democracy in Nepal is existing to encounter diverse hostile environments. Traditional feudalist is trying to hold the state authority taking advantages from the weaknesses of political parties and leaders. All constitutional provisions are lifeless due to the conflict among King, political parties and Maoists. At a time when all the forces are both disarranged and smaciated afflicting damage to the domestic process itself, resocialisation of the maoists in the literal democratic process would be more problematic. However, there is no escape route but to design a model in which all can be accommundated (Baral, 2004 : 13). With respect to uncredibility of each other among the King, political parties and the Maoists, the third mediator is needed and it can be the UN, which can play a vital and neutral role for peace process of Nepal. Even the Maoists negotiation under the UN involvement, on this respect neither the King nor other constitutional parties can go against this issue. "The UN can play a vital role not only in negotiations but also in a fair and free election after the success of negotiation" (Upadhyaya, 2004 : 6).

Conclusion

To judge the political scenario of post 1990, most of the parliamentary parties and governments have disseminated negative culture rather than positive one. Lack of foresight with. political leaders intra party and extra parties conflict for seeking power and authority are the basic causes for October 2002 condition and the spread of Maoists movement, hence the failure state. Besides these, the country remained in violence and disorder as the marginalized and disadvantaged group of people are exploited, suppressed and oppressed even in the era of pluralistic democracy. A few elite from higher castes, intellectual, education and economic sectors have exercised the state power and resources. The Maoists are said to have waged war to mitigate or abolish the inequality of power and resource.

The war between Maoists and the state has been running since 8 years. Now it seems that no one will have completely a victory over the other. Now there is no elected central as well local government or not a constitutional rule. Therefore, the constitution of the Kingdom of Nepal has failed in terms of consolidation of democracy. On this ground the political forces, King, parliamentary parties and the Maoist should come on negotiation table for the peaceful settlement of conflicts. In view of the failure in the previous negotiating talks, the third party (like the UN) as a mediator seems to be a must.

The negotiation process should be conducted honestly to give priority to nation and people in general rather than parochial consideration of their interest and power game. Peace should be sustainable in order to consolidate democracy in Nepal, therefore first identify the root causes of conflict and try to solve empowering the marginalized group of people in the main stream of polity. All these processes should mark as a stable and peaceful nation in reality along with the empower of people and consolidate democracy in Nepal, it does not matter whether it would be republic democracy or monarchial democracy.

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