

Nepal: Maoists' lock, India's door

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[C. June 15, 2010]

Nepal's peace process following the civil war of 1996-2006 tends to be described by international experts as a homegrown affair. Those experts directly involved in it have often expressed such a judgment at turning-points in the process. For example, in the wake of the Maoists' victory in the constituent-assembly elections of 10 April 2008, Ian Martin - the then head of the United Nations Mission in Nepal (Unmin) - said: "Nepal's peace process has been truly indigenous: it has not been mediated or managed by any external third party." A year later, when the Maoists resigned from government, Rakesh Sood - India's ambassador to Nepal - echoed the view: "It is completely an internal affair of Nepal. I would completely deny that there was any Indian role or involvement."

A closer look suggests that these remarks are diplomatese: for the international community - and indeed Unmin and India in particular - have shaped Nepal's peace process, by pursuing a variety of strategies that have not always been complementary. Nepal today is living with the result: a political impasse that offers no straightforward resolution.

A narrowing door

Ian Martin, already (since May 2005) head of the United Nation's office of the high commissioner for human rights (OHCHR) in Nepal, was appointed the United Nations secretary-general's special representative there in August 2006 (arriving from East Timor, where he had played a similar role). He arrived in a country where King Gyanendra Shah's takeover of executive power February 2005 had failed to stall Nepal's descent into political chaos, and where the leading political players - the then-underground Communist Party of Nepal (Maoist) and the "seven-party alliance" of democratic forces (marginalised by the king's action) were riven by distrust. But Martin, working through a variety of national and international contacts, was soon instrumental in creating an atmosphere conducive to peace talks between these contending groups. These, in an early indication of the Indian government's contribution to the Nepali transition, were to be hosted in New Delhi. There, both sides were prevailed upon to sign the first of many pacts to come: the twelve-point agreement, published on 23 November 2005.

This outcome cleared the way for the Maoists' "people's movement" to make the transition from armed insurgency to politics. It also confirmed the role of two prominent international players in Nepal's next stage: Ian Martin became chief of Unmin, and Rakesh Sood (after serving in Afghanistan) was appointed India's ambassador to Nepal.

It was still early days in the fledgling “peace process”; it would take another year before the “comprehensive peace accord” (CPA) - the formal end of Nepal’s decade-long civil war - was signed on 21 November 2006. This was followed by the establishment of the United Nations Mission in Nepal by the UN Security Council’s Resolution 1740, passed on 23 January 2007. The mechanics were in place; now it was up to the Nepalis and their disputatious political representatives.

Unmin’s initial visibility gave the peace process an international air. Kathmandu was flooded by those who had worked in comparable post-conflict situations: Guatemala, Haiti, South Africa, Bosnia, East Timor. There was a certain optimism too that Unmin would take effective charge of the peace process. This was always an illusion: Unmin’s responsibilities were strictly limited, and the agency would later lament the narrowness of its mandate (monitoring arms and armed-personnel management; assisting the management of arms and armed personnel; assisting the monitoring of ceasefire arrangements; and providing technical assistance to the election commission ahead of the elections planned for 2008). But the illusion also proved helpful: the belief that Unmin’s scope was more wide-ranging than it was in reality made both the Maoists and the democratic political parties feel watched by the world, and accountable to it.

Even if Unmin could have taken charge, however, India had no intention of allowing it to do so. Nepal is, after all, New Delhi’s backyard. India’s attitude to the new UN mission was cautious from the start, but when Unmin’s presence in Nepal’s southern Madhesh region was revealed in 2007 this deteriorated into open hostility. Unmin was within its mandate in being in the Madhesh - a turbulent area of shifting allegiances, complex ethnic make-up, new political forces, and (crucially) a long strip of open border with India - but its presence was an irritation to an India with a strong intelligence-agency influence there.

Ian Martin’s background in human rights (he had headed Amnesty International in 1986-92) also did not impress India. Even within its own borders, official India views human rights as at best namby-pamby European left-liberalism, and at worst an activist-led instrument of anti-state politics. Where its strategic interests are at stake in an unsettled country across its borders, such an attitude is applied with bells on.

An equally serious and even more immediate consideration for India was that Unmin treated the Maoists and the Nepali state as equal partners in the peace process. India had only ever seen Nepal’s Maoists as a force that, having proven undefeatable in combat, now needed to be contained by bringing them into a democratic framework and tying them down with strict rules. This was not altruism: India had to solve Nepal’s (relatively small) “Maoist problem” in order to open a path to solving its own (relatively large) “Maoist problem”. New Delhi is still working on that one.

A pressure point

Indeed, India’s political establishment has long had a relationship with the state of Nepal that reinforces conservatism in its smaller neighbour; a tendency that if anything the fashionable neo-liberalism of modern India continues. India’s military and defence elites remain staunch in their support of the Nepali army; the upper-caste north Indians who dominate the foreign ministry have little regard for everyday Nepalis’ progressive aspirations; India’s high political class still feels the influence of the maharajas of

yore (with their links, by marriage, to Nepal's maharajas of yore); there are strong sentimental links to the Nepali Congress and the Communist Party of Nepal (Unified Marxist-Leninist), both founded in exile in India in the 1940s; and the presence in Nepal of India's intelligence service, the Research & Analysis Wing, is an open secret.

India, in short, is not an agent of any namby-pamby European left-liberalism in Nepal. The gist of its policy has been unquestioningly to back the non-Maoist parties, and to encourage them to give as little space as possible to the Maoists. The results have been a mix of failure and blowback.

First, integration between the Maoists' army and the state's stalled; and instead of being demoralised by this, the Maoists used the extended period of cantonment to professionalise their 19,000-strong force and to build a parallel paramilitary force, the Young Communist League. They are now larger, and more militarised, than ever.

Second, the newly-formed Madheshi parties have halved the Maoists' support base in the south; but in the process, the Madhesh has succumbed to the cross-border political-criminal underworld. Kidnapping, extortion, threats and targeted assassination have risen dramatically in the area since the launch of the peace process.

Third, India's pressure on the non-Maoist parties to resist two key Maoist demands - republicanism and federalism - proved abortive; its proposal that Nepal save the monarchy by having a "baby king" (the under-age grandson of former King Gyanendra Shah) was ridiculed within Nepal; and against Indian pressure and non-Maoist reluctance, the federalists demand of many Nepalis outside Kathmandu have been accepted in principle (even if the exact modality of the federal states remains to be defined).

The failure of India's containment strategy became clear with the Maoists' surprise victory in the constituent-assembly elections of 2008, when they won over 38% of the seats and transformed themselves into the country's largest party. At that point Rakesh Sood jumped to the forefront of the peace process, taking charge - and elbowing Unmin out of the way. On 12 May 2010, the UN Security Council renewed Unmin's mandate for five more months; accompanied by a request from the Nepali government that by the time it expired on 15 September, "arrangements should immediately be made for withdrawal of the mission by that date".

After the Maoists' landslide, there followed an unseemly delay in allowing the victors to form a government; and a year on, a just-as-unseemly showdown over the Maoists' attempt to dismiss the army chief-of-staff, Rukmangat Katwal. The Maoists' chairman Pushpa Kamal Dahal was disallowed - by a questionable technicality - from effecting the dismissal, and resigned the prime ministership. Since then, by the grace of India, a vaguely neo-liberal twenty-two-party bloc has not so much governed as occupied the space of government so as to lock the Maoists out.

A choice posed

It is unfortunate that India has decided to prop up leaders with so little legitimacy. The prime minister's post in the multi-party government has been occupied by the Communist Party of Nepal (Unified

Marxist-Leninist)'s Madhav Kumar Nepal, who lost the 2008 elections in two constituencies. The deputy prime minister's position has been held by Sujata Koirala, the daughter of the Nepali Congress Party's late president Girija Prasad Koirala; she too lost in the elections. It has been difficult for even the most avid anti-communist to summon much enthusiasm for their government.

The Maoists, for their part, have engaged in a yearlong protest that has involved sporadic demonstrations and a five-month closure of the assembly. The protest was supposed to culminate - and achieve victory - in an indefinite strike in May 2010; but six days into the strike the Maoists, seeing how unpopular it was, abandoned the tactic. The twenty-two-party bloc and the Maoists then engaged in intense talks to attempt to settle their differences, which are serious:

- army integration The multi-party bloc is willing to consider the integration of 3,000-7,000 Maoist soldiers - but the Maoists want all 19,000 to be integrated
- the kind of constitution that Nepal should have The youth leader of the Nepali Congress, Gagan Thapa (no relation of the author) pointed out in a televised debate that there are "only" five constitutional dividing-lines between his party and the Maoists; but these concern fundamental democratic liberties. They include the Maoists' proposal that in the new constitution, "anti-national" political parties be subject to a ban. Thapa responds: "How can we support this - when they have already decreed the Nepali Congress 'anti-national' in their internal party documents?"
- the policy of jaatiya agradhikar (primary rights based on ethnic identity) in the yet-to-be-formed federal states. Such a policy, say the Maoists, will redress the longstanding high-caste Hindu monopoly. The idea is anathema to most of the democratic political parties
- property rights and power The Maoists - being Maoist - seek to set a cap on private property. They also want executive power to lie with the president rather than with the prime minister, and the judiciary to be under the review of the executive branch. The democratic political parties believe in a balance of power, and want the judiciary to remain independent
- the formation of a new government The Maoists have asked that they be allowed to head an all-party government. The twenty-two-party bloc is reluctant, given all that is at stake. This matters, as it dictates who will be in a position to administer the next elections - when the Maoists hope to win a majority.

There is, in the end, no easy solution to any of this.

A circle closed

How to contain the Maoists? Nepal's case is instructive - and for India, chilling. Perhaps there is no containing the Maoists. Perhaps they have to be negotiated with - and accommodated. Perhaps the twenty-two-party bloc has to prepare for some disappointment. Perhaps it would take democratic socialism - of the kind that India went through in the Nehru period - for both sides to reach a lasting compromise. Who knows? Perhaps the answer for Nepal lies not in the neo-liberalism that India now so favours, but in something closer to namby-pamby European left-liberalism.

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Her books include Forget Kathmandu: An Elegy for Democracy (Penguin, 2005) and Seasons of Flight (Penguin, 2010)

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