Nepal:
Transition to
Transformation

Edited by:
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Foreword

Liberating the Nepalese society from feudal dominated culture, building the consensus on major national issues among the political forces, and adopting an economic policy which encompasses the broader interest and participation of the community at large, could probably form the major agendas for the new political order determined to make a new Nepal in true sense. We could disagree on many issues, but at the end, results of the disagreements should be eventually leading to agreements after thorough discussion and deliberations.

The past one decade made us excessively occupied on conflict resolutions, inclusion of the so far less attended but very deserving sets of people in the main stream governance and politics, social security benefits, distribution of wealth and properties etc. The struggle the whole society was restlessly fighting for, is now heading towards a happier ending, particularly after the recently concluded Constitutional Assembly election. This has brought us to a point from where determined efforts can be made to come forward to build a new Nepal in true sense.

The deliberations made at last year's meeting happened to address most of the major issues bothering our minds at large and their views were concluded to be very significant for determining the path to build new Nepal. The Human and Natural Resources Studies Centre, in collaboration with the Swiss National Centre of Competence in Research, took a serious note of the proceedings and decided to bring out the ideas expressed there in the form of a collection; and this publication 'Nepal: Transition to Transformation ' is an ultimate outcome of that desire. The editors

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of this book, Professor Kailash Nath Pyakuryal, Dr. Bishnu Raj Upreti, and Dr. Sagar Raj Sharma deserve special appreciation for formulating the concept behind this work and painstakingly editing the chapters. This publication cannot be or should not be considered a complete set of document, but can be taken as a starting point to move in this direction, which was to a great extent left out agenda in the democratization themes of the political development process of Nepal.

Similar subsequent deliberations would help in finalizing or fine tuning of the views of the experts that were made valuable inputs in the last year's efforts.

Suresh Raj Sharma
Vice Chancellor
Kathmandu University
May 2008

Acknowledgments

Adhikari for skillfully overseeing the overall seminar. We would also like to extend our deepest gratitude to Professor Prayag Raj Sharma for very meticulously editing the language and bringing it to its current standard. Last but not the least, we also express our heartfelt thanks to Ms. Lalita Pandey and Ms. Nikita Agrawal for their very detailed hard work in editing and indexing of the chapters.

We ask the readers of this book to share the information herein broadly in the hope that the articles presented will promote further debates and discussions and play a constructive role in the transformation of this country.

The Editors
Kathmandu, May 2008

Abbreviations

BRCCM	**:**	Berghof Research Centre for Constructive Conflict Management
CAS	**:**	Country Assistance Strategy
CBS	**:**	Central Bureau of Statistics
CEDAW	**:**	Convention on Elimination of All forms of Discrimination against Women
CPA	**:**	Comprehensive Peace Agreement
CPN-M	**:**	Communist Party Nepal – Maoists
CPN-UML	**:**	Communist Party Nepal United Marxist – Leninist
CSRC	**:**	Community Self Reliance Centre
DDR	**:**	Disarming, Demobilizing and Re-integration
DFID	**:**	Department for International Development
ESP	**:**	Enabling State Programme
EU	**:**	European Union
FDI	**:**	Foreign Direct Investment
GoN	**:**	Government of Nepal
GPID	**:**	Guiding Principles on Internal Displacement
HDI	**:**	Human Development Index'
HDR	**:**	Human Development Report
HMGN	**:**	His Majesty Government Nepal
ICESCR	**:**	International Covenant on Economic, Social and Cultural Rights
ICIMOD	:	International Centre for Integrated Mountain Development
ICRC	**:**	International Committee of Redcross and redcresent
IDD	**:**	Internal Displacement Division
IDMC	**:**	Internal Displacement Monitoring Center
IDPs	**:**	Internally Displaced Persons
ILO	**:**	International Labour Organization
IMF	**:**	International Monetary Fund
IOM	**:**	International Organization for Migration
IPDPs	**:**	Indigenous Peoples' Development Plans
LDCs	**:**	Least Developed Countries
M&As	**:**	Mergers and Acquisitions

MNCs	**:**	Multinational Companies
NBS	:	Nepal Biodiversity Strategies
NCCR	**:**	Nepal Centre for Creative Research
NCP	**:**	Nepal Congress Party
NESAC	**:**	Nepal South Asian Center
NGO	**:**	Non- Governmental Organization
NRC	**:**	Norwegian Refugee Council
NSSD	**:**	National Strategy for Sustainable Development
ODA	**:**	Official Development Assistance
OHCHR	**:**	Office of the High Commissioner of Human Rights of UN
OSCE	**:**	Organization for Co-ordination and Security in Europe
PLA	**:**	Peoples Liberation Army
PRSP	**:**	Poverty Reduction Strategy Paper
RNA	**:**	Royal Nepalese Army
SAARC	**:**	South Asian Associate for Regional Cooperation
SDAN	**:**	Sustainable Development Agenda for Nepal
SPA	**:**	Seven Party Alliance
SSR	**:**	Security Sector Reform
TADO	**:**	Terrorist and Destructive Activities Control Ordinance
UN	**:**	United Nation
UNDP	**:**	United Nation Development Programme
UNESCO	**:**	United Nations Educational, Scientific and Cultural Organization
UNHCR	**:**	United Nations High Commission for Refugees
UNIFEM	**:**	United Nations Fund for Women's Development
USAID	**:**	United States Agency for International Development
WFP	**:**	World Food Programme of UN
WHRDs	**:**	Women Human Rights Defenders

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CHAPTER 1

Inclusion and Transformation
An Introductory Remark

Kailash N. Pyakuryal

Nepal is experiencing a rapid change in its political scenario. As this happens, the behavior of some ruling political parties has become unpredictable. For many this is a worrisome development in the present day Nepal. Several rounds of negotiations, understanding and agreements have culminated into the last concluded 23- point agreement reached between the Seven Party Alliance (SPA) and the Maoists that could mark a breakthrough in the long stalemated political situation of Nepal. This has led to a final agreement to declare Nepal a Federal Democratic Republic and its incorporation in the third amendment to the Interim Constitution (IC) 2007. The third time amended Interim Constitution now formally declares abolishment of the 240-year old monarchy in Nepal. The government also announced the CA (Constituent Assembly) polls for April 10, 2008. When materialized, it will set a unique example for Nepal in the annals of conflict transformation in the global arena.

Jan Andolan I (People's Movement) (1990/91) reinstated democracy in Nepal by overthrowing the Panchayat system that was based on absolute monarchy, and replaced it with a constitutional monarchy. The ensuing period of 1990-2002 was characterized by infighting and split among the major political parties which made relentless efforts to serve their own party and individual interests. The King continued to have an upper hand in manipulating the political parties in his favour. The conduct of the politicians and the political parties during this period (1990-2002) was far from reassuring in terms of their commitment to building enduring democratic practices and balancing their partisan and individual interests with the imperatives of good governance. The

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monarchy had even less respect for the democratic norms and the King took in the end all executive and legislative power himself by dissolving the parliament in February 1, 2005. All political parties except those supporting the King's move were subjected to severe sanctions. This created an environment for organizing a united people's movement, including the CPN (Maoist), for the overthrow of the despotic monarch and restore democracy in Nepal by all the political parties. Jan Andolan II (April 2006) ended the King's autocratic rule and restored the dissolved parliament. The unitary system of governance and exclusionary institutions and practices were being constantly challenged, and the success of the Jan Andolan II has paved the way for a true socioeconomic and political transformation of Nepal

There have been numerous proposals and a prolonged debate over the nature of the supra structure of Nepal. Various systems of federalism… based either on ethnic/caste, or language, and/or regional divides have been proposed. Nepal is in transition and an inclusive transformation leading to national integration is the challenge for everyone today, including the statesmen and the ordinary people of Nepal.

False consciousness is gradually getting transformed into felt consciousness and the marginalized groups, including the women, the *Dalits* and the various minority groups are demanding to have a greater and proportional participation in all spheres of the state's polity and economy.

According to the census 2001, Nepal's indigenous people, also known as indigenous nationalities, constituted 37.2% (8.4 million) of Nepal's total population. The largest indigenous groups are: The *Magar* (7.1%), The *Tharu* (6.7 %), The *Tamang* (5.6%), The *Newar* (5.5%), The *Rai* (2.8%), The *Gurung* (2.4%) and The *Limbu* (1.6%). The percentage of people from the plains, according to the census, was given as 28.5%. This official figure may be underestimated, because the counting seems to leave out groups like the Muslims, the Tharus, the Marwaris and the others, who also live largely in the plains.

It is these various groups who have the least control over the country's economic resources. Most such resources and higher political positions are in the control of the high caste/class elites who occupy the higher echelons of power. The country's Institutions, laws, rules and organizations have been made to suit the elites which serve their purpose more, so that the poor and the marginalized are always left behind. In substance, not much has changed in Nepal even after the Jan Andolan II. People however, believe that the ever awaited formation of the Constituent Assembly may have answers to redress their grievances and Nepal will surely move forward like its neighbors and prove to the world that it too can develop socially and economically and become a stable, prosperous and democratic nation in the years to come.

This book on "Nepal: Transition to Transformation "is the outcome of a national conference jointly organized by the Kathmandu University (KU) and the Swiss National Centre for Competence in Research (NCCR North-South) and held in Kathmandu on June 22, 2007. All the papers included here were originally presented in that conference.

I endeavor to present the articles from this conference in this introduction in the framework of two main issues: The first is the issue of inclusion/exclusion. Historically, certain groups of people have been more privileged than others in Nepal. The *Dalits*, the women and the *adibasi janjatis* have been among the most underprivileged groups of the Nepali people who were ever kept out the power structure, and who had little capital assets (natural, human, financial, physical and social) to sustain themselves. These were the people who were also the hardest hit by the 10-year armed conflict in Nepal. The second issue is about how conflict has helped such underprivileged groups of people in gradually realizing their power, and triggers transformation to bring about a new national integration. I will first set forth some specific implications for our understanding of inclusion /exclusion in my discussion.

Though there is no agreement on a common definition of social exclusion, Silver and Miller, 2003 mention the following in this regard: Social exclusion is (1) multidimensional or socioeconomic,

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and encompasses collective as well as individual resources, (2) is dynamic or processual, along a trajectory between full integration and multiple exclusion, (3) is relational in that exclusion entails social distance or isolation, rejection, humiliation, lack of social support networks, and denial of participation, (4) is active in that there is a clear cut agency doing the excluding, and (5) is relative to context. Disrespect, discrimination, and degradation are as much at work as monetary poverty and physical needs. In some versions, even the welfare state can exclude some citizens from protection or trap them in joblessness.

The narrow definition of exclusion puts emphasis only on the need for inclusion of the excluded adapting to the current institutional environment. On the other hand, the positive concept of inclusion recognizes elimination of all the discriminatory institutional arrangements that need changing.

The divisions of the Asian society are not only economic in nature, but also based on racial-ethnic, caste, gender, cultural, educational, religious and political. Because of discrepancies at various levels, the recent agenda for most of the States of the region has been the agenda of inclusive democracy that seeks to empower the poor and the disadvantaged people.

In the past, development was equated with economic growth was considered to be a variable exclusion/inclusion mitigated by granting a right to citizenship and through elimination of absolute material deprivation. Poverty programs were gradually transformed into a fight against social exclusion to foster economic and social integration of the least privileged groups. Thus in the past, the economically weak were the excluded groups, whereas, presently ,it also includes ,besides the poor, groups pertaining to a new poverty and the groups which are refused places and not inserted in the society.

Exclusion means relational isolation from the dominant group(s) plus absence of professional or cultural insertion and participation in a society.

Thinking about inclusion then would mean defining a framework for analysis in terms of how the incentives to relational isolation were or are being removed, and eventually politics of social insertion/inclusion installed.

A broader social inclusion view encompasses a range of factors that prevent people from playing a full role in society. The goal of social inclusion is to facilitate changing the culture of work places and communities to make them more inclusive and become respectful of diversity.

Here the envelope extends to the practices between the employers and the unions, the communities and the civil society.

While impersonal institutions, dominant groups and powerful individuals can be agents of exclusion, the excluded must participate in the struggle for their own inclusion. Policies of inclusion must provide access, participation and voice to the excluded, rather than treat them as passive recipients of material assistance. Many programs to combat exclusion develop partnership with representatives of excluded groups.

By merely, mainstreaming the excluded groups (assimilation) does not really help to empower the excluded as under such arrangements they are simply expected to follow the norms and values of the dominant group(s). Thus there is every reason to believe that the excluded may not want to come within the inclusion policy of the state, as they could end up losing their own identity. Similarly, some other authors such as Jackson (1999) argue that marginalization may not be always bad. Though marginalization is a constraint, it can also be turned into strength. Marginality may also be a good basis for demanding an equitable share.

One group of articles in this book revolves around such issues as mentioned above. They either vividly describe the forms of inclusion/exclusion of indigenous nationalities, women, *Dalits*, the landless and the poor or they provide prescriptions for their improvement.

My second consideration to put forth would be concerning transformation and national integration. The People of Nepal, through the Jana Andolan II, have succeeded to but the monarchy in suspension, and realized to themselves a great degree of empowerment. Those (including the political parties) who supported the king in the past and did not participate actively in the Jana Andolan II have been discredited by the people, so that only the SPA and the Nepal Communist Party (Maoist) formed a partnership of a coalition government. In the post- revolution government which is supposed to be a powerful one, people at large and the various historically disadvantaged groups have clamored for greater and more judicious share of power and resources. Such groups have got organized either with the help of their own social groups or through various political parties, and been putting pressure on the government for bringing about structural changes. Voices have been raised and demands made for a grant of full autonomy to them. The century old centralized system of governance controlled by the elites, the rich and the powerful has been challenged and vision of a new Nepal urged.

The CPN (Maoist) party is waging a war against the old regime and the current establishment as an opposition. It has its own army and provincial governments. Capturing the interim parliament by force and seizing the powers of the government are some of the declared tactics of the Maoist party and its leadership. The ultimate goal is to come to power and rule the state in the way it thinks right. The SPA is a conglomerate of various political parties most of whom have faith in multi- party parliamentary democratic system. Thus within the government itself, there is an inherent conflict between the traditional and the reformist groups on the one hand, and a new group aiming at total structural changes, on the other. It is anticipated that the year- long awaited Constituent Assembly polls will address all these issues that have surfaced in Nepal that it will surely leap forward to a better and new Nepal. The second group of articles relates to the issues relating to pluralism, transition and national integration.

There is a great debate going on in Nepal on federalism currently. One view considers federalism and autonomous states (with a power to self- determination) as detrimental to national integration

and hence such demands need to be turned down. The logic is that within a particular federal state there would be various minority groups and there is no guarantee of protection of the rights of such minority groups in such autonomous states. Language, religion, caste/ethnicity and the region do not and should not be the basis for such divisions. Such arrangements could divide rather than unite the peoples. Moreover, not all the proposed autonomous states would be endowed with equal resources, so that these new autonomous regions could also face similar problems of poor growth and underdevelopment. The proponents of a federal republic advocate that all the nationalities in Nepal were merged forcibly into the Gorkha state and ruled with suppression by the rulers and the ruling class. Since democracy has prevailed no one should feel subjugated by the other. If the state is decentralized and people are granted the freedom to federate themselves into the new republic of Nepal, this would mean evolving a real sense of belonging and inter- group and inter-state relationships. This would lead towards a better national integration, rather than causing the state's disintegration.

The book is organized into nine chapters. The introduction (chapter 1) explores the concepts of inclusion/exclusion and of national integration, as it summarizes the eight other chapters.

The next three chapters (chapters 2- 4) deal with the problems of socioeconomic and political transformation and the issues of women's empowerment. Chapters 5 and 6 describe the problems of conflict induced displacement and exclusion of the poor people from land rights. The next two chapters (chapters 7-8) focus on the problems of landlessness, livelihood insecurity, and the question of national integration, and the last chapter is one of conclusion. Taken briefly, this is what the various chapters offer.

Upreti (chapter 2) carries the view that resistance movements are often successful in bringing change in power relations and in effecting other social changes in countries with an autocratic past. Experiences from some of the globally recognized resistance movements such as the non-violent resistance movement for the independence of India, the Civil Rights movement in the USA, the non-violent struggle against the autocratic regimes of Augusto

Pinochet and Ferdinand Marcos by the peoples of Chile and the Philippines, the Rose Revolution of Georgia, the Orange Revolution of Ukraine, the 'Tulip' Revolution of Kyrgyzstan, the people's movement of Lebanon, and Nepal's popular April movement have amply demonstrated that despite retaining enormous state power and control of resources, ruling elites cannot sustain their regimes whereupon they have either to compromise or to surrender before the people's power. The case of Nepal is a testimony to the contributions of resistance movement in state transformation. The 'people's war' waged by the CPN (Maoist) and the people's movement of April 2006 not only seriously questioned the relevance of nearly 400- year old royal regime but also paved the way for a socio-political transformation. Feudalistic, centralized and exclusionary state structures are being openly challenged. The civic movement of April 6-24, 2006 proves that people's power can defeat an autocratic, feudal regime by a peaceful means. However, adherence to strict discipline, sincere commitment, leadership quality and faith in people's inner strength are needed to sustain the achievements of a successful resistance movement.

Sharma mentions in chapter 3 that economists have so far made numerous attempts at finding the key to economic growth in the least developed countries (LDCs), but there is little evidence to suggest that they have actually found it. This paper reviews some of the keys that have not worked and offer pointers towards a more effective strategy. He does not claim to suggest that there is one single key to growth, but he does think there is evidence that some strategies work better than others. This paper attempts first to establish a relationship between official development assistance (ODA), and foreign direct investment (FDI) with policies in the developing countries and then proposes to adopt a few new strategies so that donors and governments do not have to repeat the old failures that keep resurfacing time and again. The paper examines the applicability of these strategies to countries in transition, focusing on the transformation of Nepal.

Sharma carries the view that development in Nepal has 'failed' so far because of various factors, such as from centralisation of both the government and private structures in Kathmandu, an over-

dependence on foreign aid, widespread corruption and abuse of authority by bureaucrats and politicians, exclusion of large sections of the population from their role of devising policy and programs, failure of donors to ensure proper use of their funds and effective coordination of their activities, to name a few. After highlighting some of the bitter experiences that Nepal has gone through in her attempt at development, the paper discusses the role that aid agencies can play in preventing further conflict in the country. It argues that foreign aid can indeed play the role of a catalyst in the development of poor countries, but it seems to work effectively in countries with 'good' environment. However, in a country like Nepal where successive governments have utterly failed to make effective delivery of aid programmes, the donor communities also have the responsibility to transform themselves and exert appropriate pressure when required. If Nepal is to attain a genuine transformation, all the stakeholders, beginning from the political parties to the donor communities, need to reform themselves. Foreign aid in Nepal is part of the problem and also part of its potential solution.

In her article on transformative politics and women in Nepal in chapter 4, Rajbhandari mentions that women in Nepal have always taken a lead role in the People's Movement, the People's War, and in all other political processes which to overcome the authoritarian regime. However, even after the success of the people's movements aimed at bringing a political transformationand socio-political transformation, women are kept continuously marginalized Issues such as violence against women in all aspects of their lives do not yet get proper attention. Due to a culture of impunity, which has continued even after the success of the historic people's movement-II, the people responsible for the violence against women are exempt from punishment. Raping, abusing and torturing of women in society continues. This article focuses on why it is necessary to include women in all of the processes of transition, what challenges lie in accomplishing it, and how can this be consummated from the women's perspective

Rajbhandari further mentions that women need to protest against the social inequalities and injustices from the social class structure, while also expressing their discontent with other forms of

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inequalities resulting from gender, race, physical conditions, and sexual orientation. Women of Nepal need to enlarge the concept of human and women's rights by placing social rights in the center of the discussion, and by also bringing up health, reproductive and sexual rights along with the right to live free from discrimination.

To achieve this Rajbhandari suggests forging alliances by Women's Movements with other social movements, rather than keeping women's issues separate and isolated.

In their article on 'Conflict- induced displacement: an emerging phenomenon of internal migration in Nepal,' Ghimire and Upreti (chapter 5) mention that the phenomenon of internal as well as external migration is not new to Nepal. Nepal has a long tradition of her people migrating from the mountainous region to the fertile land of the terai and going to different countries even beyond for various reasons, associated mostly with livelihood. Taking internal displacement as a part of the broader framework of migration, this article aims to focus on the different aspects of internal displacement caused by the conflict between the state and the CPN (Maoist).The ever-growing problem of internally displaced persons (IDPs) is enormous and it cannot be mitigated with the available meager human and financial resources. It is one of the most compelling crises confronting the humanitarian assistance community. The state is facing a serious challenge to address the crisis as it is not yet able to develop the norms, institutions and mechanism for addressing its causes and consequences and in finding durable solutions to it, adequately. The country cannot hope to have an everlasting peace without addressing the issues of internal displacement soundly and effectively.

This article discusses other related issues concerning the internal displacement, with a focus on the agents and trends of displacement, the debate on the definition of IDPs, allocation of responsibility, creation of livelihoods for the IDPs, national and international response to Nepalese IDPs and a review of the present National IDP Policy 2007. Further it brings some practical concerns of the IDP participation in the forth coming election and on the issue of their return and re-integration in their village.

In chapter 6 Basnet describes land reform in Nepal and narrates how the slogan "land to the tillers" has remained a high-pitched slogan only by most political parties of Nepal from the early 1960s but not seen in practice so far. In the streets they talk of much revolutionary rhetoric of land reform, but in the parliament, they still support landlordism. This has been the history of land reform in Nepal according to Basnet. His paper examines how the existing social and economic structures have contributed to alienating poor or powerless people from their land rights and keeping them excluded from the whole development process. This paper raises many questions relating to land and describes the historical process of land rights control, the present power structure in relation to , land issues and in the end, the road ahead. The paper also illustrates how the landlords' nexus works and how they are managing to sustain their classical structure and hold over power. Finally, the paper highlights some general options for land reform in Nepal.

Nepali describes the *Dalit* issues in terms of their access to land resources and their livelihood insecurity (chapter 7). Land is an indicator of a broad socioeconomic status in an agrarian society like Nepal. It is a fundamental productive asset, a principal source of livelihood and, a means of power, pride, dignity, and prestige, and a symbol of prosperity for the people. Describing the situation of the *Dalits,* Nepali mentions that access to land resource by the *Dalits* (which accounts for about 13 % of the total population) is very nominal. Especially in the terai the term *Dalit* is synonymous to landless. *Dalit* remains at the very bottom of the Nepali caste hierarchy. Reasons behind landlessness of *Dalit* are of two types: i) The *Dalits* were confined or trapped into bonded service by their clients limiting them to their traditional caste based occupation, ii) The historical distribution of land vividly reveals how birta system had granted thousands of hectares of land to the military chiefs, royal family members, priests, and other influential persons of the state. The *Dalits* were deprived because they did not fall under such an elite category.

The livelihood of the *Dalits* is in a miserable state due to their landlessness. Food self-sufficiency is much lower among the *Dalits* than among the Brahmans, Chhetris and the Newars.

Therefore, caste based traditional work such as those of blacksmiths; leather workers, tailors etc. hence are also important economic activities for the survival of the *Dalits*. Even today many *Dalit* groups in the rural areas of Nepal are obliged to maintain their traditional 'Bali' and 'Khan' system with their clients for their sheer survival. Skewed and inequitable distribution of land have resulted in the formation of various agrarian classes having different power and agrarian social relations, such as the patron-client, the super/subordinate, or relations of antagonism, mutualism, domination, exploitation and discrimination. As *Dalits* fall in the lowest category in terms of caste and class, they have been facing all kinds of exploitation. Furthermore, loss of livelihood is a major cause for political violence anywhere. It might explain why most *Dalit* youths joined the Maoist insurgency. In brief, landlessness, marginal and small landholdings and a chronic food deficiency of more than six months in a year are some of the features of the *Dalit* economy, the so-called "untouchables" in Nepal. Within the *Dalit* community itself, this problem is more acute among the Terai *Dalit*.

Pyakuryal in his article on pluralism, diversity and national integration (chapter 8) deals with the concepts of pluralism, diversity and national integration. The concepts of ethnicity and inter-ethnic group relations and theories on inter group relations, such as assimilation, amalgamation and bi-cultural model also get treated here. Continued discrimination on the basis of caste, ethnicity, religion, language and ecological regions make Nepal a fertile ground for social conflict. It is argued that the key to attaining national integration is respecting and recognizing the rights of various groups and by empowering various groups of people on equal footings. This needs a thorough reform in the existing legislation.

The book concludes with Upreti's paper on 'Moving ahead: from transition to transformation described in chapter 9. It briefly discusses the important elements with regards to 'management of transition' and components of 'transformation' of the old state into a new nation. Smooth management of transition is crucial to achieving lasting peace and transformation.

Citing Baechler *el. al.,* 2008 Upreti mentions that it is virtually impossible to transform a feudalistic, centralised, unitary, monarchist and exclusionary country into a modern, equity-oriented, federal Nepal without transforming the perspective, thinking, action and behaviour of all people of Nepal. He details out how and in what way this transformation can be attained. He argues that some of the fundamental components have been ignored or are missing from the transition debate. The whole transition management process is non-transparent, elite-centric and, consequently, exclusionary in nature. The mindset of key political actors and their unwillingness to go for an inclusive state is a major challenge to successful management of transition and transformation of the unitary top-down exclusionary state into that of a federal inclusive and democratic nation.

In sum, the papers in this volume provide valuable insights in the state- of- art of the contemporary Nepal and the roadmap that lies ahead for it. In particular, issues related to the post-conflict situation and ways to transform Nepal are well described. I strongly believe that the discourse contained in these papers as well as analysis of issues in relation to transition and transformation could be of interest to the policy makers, planners, politicians, researchers and scholars in Nepal and outside alike.

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CHAPTER 2

Resistance Movements in Conflict Transformation and Social Change

Bishnu Raj Upreti

2.1 Resistance Movement in State Transformation and Social Change

The people's resistant movement of April 2006 in Nepal (hereinafter referred to as April movement) was a non-violent struggle by the people to end the autocratic rule of the King and restore peace by transforming the armed conflict into a viable democratic political system. A Non-violent peace initiative requires a fundamentally different approach to have than that requires the use of force and coercive measures (Ackermann and Duvall, 2005) in a dominant approach. Non-violent action theory (BRCCCM, 2003) provides a strong analytical framework to understand the civic movement of Nepal. In the area of conflict transformation and peace building, the conceptual framework of non-violent action put forth by Sharp (1973), Ghandi (1938 and 1950), King (1963) and other peace theorists and leaders provides a new dimension. Proponents of non-violent theories of conflict transformation highlight the importance played by the people's convictions and ideologies, and their commitments to achieve their goals through a peaceful means. In the understanding of this theory, conflict is a non-violent struggle for bringing about social justice and change. The notion of non-violent actions for social change brings out tensions and contradictions that already exist in society, but which remain denied and covered up (McCarthy and Sharp, 1997).

The non-violent action theory adopted by Mahatma Gandhi (1938 and 1950) and Martin Luther King (1963) stresses the need for peaceful protests against the adversary and to a search for moral

defeat of the resisting force (Mitchell, 1981). A conflict transformation strategy embedded in non-violent action theory begins with a three-fold understanding of the mass movement to transform the conflict, i.e., (a) conflict as an element of society, (b) conflict as a catalyst for social change, and (c) conflict as a form of reflection of people's power to establish social justice. Hence, a non-violent mass movement provides a basis to understand conflict as a means of social change, political reform and internalization of the fundamentals of democracy. The experiences made by non-violent people's movement on the different parts of the world have demonstrated that non-violent civil movement makes more powerful impact than that made by the violent approaches (Aditya *et al.;* 2006). The instances of 1905's Russian popular uprising, the popular non-violent struggle led by Mohandas Karam Chand Gandhi for the independence of India, Civil rights movement of USA led by Martin Luther King, the non-violent struggle of Chilean people against Augusto Pinochet in 1983; the overthrow of Ferdinand Marcos, the president of Philippines ,by people's power in 1986; The Rose Revolution of Georgia (2003), the Orange Revolution of Ukraine (2004); Kyrgyzstan's popular 'Tulip' Revolution[1] (2005), People's movement of Lebanon (2005), and the People's movement of Nepal (April 2006) have all proved the importance of non-violent movements can have against the unpopular and despotic governments (Stephan and Mundy, 2006)[2]. However, the success of non-violent movement very much depends upon the strategy used to forge the unity of the people, follow non-violent methods, press for issues of importance, and display ability to organize people's agency (Ackerman and Kruegler, 1994; Stephan and Mundy, 2006).

The aims of Nepal's April movement of 2006 were to topple-down the king's rule, to resolve the ongoing armed conflict and achieve

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[1] The Tulip Revolution refers to the overthrow of President Askar Akayev and his government in the Central Asian republic of Kyrgyzstan in March 2005. The revolution sought the end of rule by Akayev and by his family and associates, who in popular opinion had become increasingly corrupt and authoritarian. In the early stages, this revolution was referred as "Pink," "Lemon", "Silk", "Daffodil", or "Sandpaper" Revolution by the media. But the term "Tulip Revolution," was nomenclated by Akayev himself before ousting from the president in a speech warning that no such Color Revolution should happen in Kyrgyzstan.

[2] See The Economist.Com, Bloodless Regime Change (2006) for detail.

lasting peace in Nepal. It was realized that these aims would be possible only by changing the competitive and adversarial relationships between the seven party alliances (SPA) and the Communist Party of Nepal (Maoists)[3] [herein after referred to as Maoists] into one of partnership approach. To achieve lasting peace requires restoring the fractured social relations amongst the conflicting sides through, reconciliation; apology from the perpetrator and forgiveness by the past victim, by building new relationship between adversaries, and a change in the adversarial or competitive relationship through dialogue and cooperation.

Galtung (1996; 2000a and 2000b) argues that once they emerge, conflicts pass through a series of transformational processes, i.e., articulation or dis-articulation, conscientisation or de-conscientisation, complexification or simplification, polarization or depolarization, escalation or de-escalation. Incompatibilities between conflicting parties can be overcome by transcending the contradiction, or through compromise, or by deepening or widening the conflict structure, and by associating or dissociating the actors (ibid). All these transformational processes were clearly observed in the 10 years of the armed insurgency in Nepal as explicitly reflected in the12-point understanding they reached. Galtung (1996), Krippendorf (1973), Shell (2003) and Curle (1971) emphasize the ever-growing global asymmetric relationships as the structural source of conflict around the world. Asymmetric relationships can be transformed through a shift from unbalanced to balanced relationships, and a process of conscientisation, confrontation, negotiation and development (BRCCCM, 2003). The post-1st February 2005 relationship between the SPA and the Maoists was transformed from asymmetric to one of cooperative relationship , which was reflected in the 12-point understanding. The improved relation between the SPA and the Maoists has been ultimately successful to end the rule of monarchy and to suspend the King's power in a move to overthrowing the monarchical

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[3] The details of the Maoists insurgency is covered in books of the author entitled a) 'The Price of Neglect: From Resource Conflict to Maoists Insurgency in the Himalayan Kingdom. Kathmandu: Bhrikuti Academic Publications (Upreti, 2004) and b) Armed Conflict and Peace Process in Nepal: The Maoists Insurgency, Past Negotiation and Opportunities for Conflict Transformation. New Delhi: Adroit Publishers (Upreti, 2006).

system ultimately and replacing it with the Federal Republican system for Nepal.

2.2 Features of the 2006 April Movement of Nepal

The April movement of 2006 met several of the criteria necessary for a resistance movement some of which were as follows:

- It often remained non-violent in nature;
- The April movement first started as people were suppressed with violence by the repressive regime ;
- The April movement was relatively of a shorter duration lasting just 19 days , But, the results were radical and the output obvious;
- There was a unique combination of frustration, alienation and a hope for the future;
- The April movement put faith in mass action and mass movement motivating maximum people for participation in the resistance
- Often such movements result in a regime change and the same happened in this instance as well ;
- Convictions and ideologies, values and commitments of people were the basis of resistance;
- It focused on the peaceful protest against adversary resulting in a moral defeat of the resisting force;
- Often outcomes result into three forms. They are
  - Cosmetic change,
  - Minor reform and
  - Radical transformation
- And this April movement has the symptoms of leading it toward a radical socio-political transformation;

- External support was secured commensurate with the strength of the resistance movement in the lack of an alliance among the progressive forces;

- There was support from the neutral mass as the April movement gained in momentum; and

- The repressive action and behavior of the rulers was, to a great extent, met the necessary conditions for fuelling the resistance movement.

2.3 Nepalese Experiences in the April Movement

Nepal is now at the crossroads of transformation from the centuries old feudal, top-down, autocratic and exclusionary monarchical regime triggered by the non-violent April movement of 2006. An 'understanding was reached between the SPA and the Maoists in the conditions that developed across the nation following the start of the Maoists 'People's War'. Intense power struggle between the political parties and the palace reached its peak when the King resumed all the executive power on 1st February 2005 by a coup; the parliament was dissolved, and the elected prime minister overthrown. This action of the king motivated the major political parties to come together and form an alliance (popularly known as the Seven Party Alliance[4]) to protest against the King's action. They also decided to collaborate with the Maoists to revolt against the King, which the CPN (Maoists) had been proposing to do since last two years. That strategy brought together the two major forces of the country fighting against the king. As a consequence, a 12-point understanding was reached between them, which ultimately paved the path to launch the mass agitation of April. The non-violent people's resistance movement (popularly known in Nepal as *Janaandolan*) of 6- 24 April 2006 proved that people's power can defeat autocratic, feudal regime the 10- year armed conflict was unable to do. This paper highlights the reasons for success of the non-violent movement. Women, marginalized groups, ethnic

[4] The Alliance is composed of Nepal The Communist Party United Marxist-Leninist (CPN-UML), The Nepali Congress Party (NCP), The Nepali Congress Party (Democratic) (NCP-D), The Nepal Sadbhawana Party (Anandidevi), The Nepal Peasants and Workers Party, United leftist Front and Samyukta Janamorcha.

communities, disabled, youth, children, students, housewives, laborers, peasants, workers, street-vendors, business people, retailers, peace and human rights activists, journalists, lawyers, scholars and researchers, poets, writers, school teachers, university professors, doctors, nurses, shoe makers, tailors, government employees, technicians, artists, film actors and actresses, in short , people from every walk of life participated in the non-violent movement. This paper also sheds light on similar nature of wider and inclusive participation by the people in this movement. During the King's period (15 months) of the direct rule, the state was very coercive. The high-handedness of the government during the April 2006 was excessive and autocratic. This paper also analyzes the reasons for the regime's coercive approach and its failure. This paper also sheds lights on the role of important stakeholders such as the SPA, the Maoists, media, civil society and NGOs, and international community in making the April movement successful. Effective transformation of conflict needs empowerment of people. This paper uses the conceptual frameworks of non-violent action and people's power to examine the April movement of Nepal as a means of conflict transformation and peace- building. However, the paper does not cover the political dynamics following the successful completion of April movement of 2006.

Once people organize for resistance movements, it is very hard for autocratic rulers to politically survive through suppression. In Nepal, despite the rigorous efforts and attempts by the king to justify his takeover, domestic protest mounted, but the international community, remained unconvinced by it. In his attempt to convince the Nepalese people and the international community, the monarch reiterated the 'grand failure of the political parties' to contain violence, to restore peace, control corruption and to improve the deteriorating economic situation of the country. In all his speeches, public comments, and media interviews, the king vehemently expressed his dismay with political parties as, *"Nepal's bitter experiences over the past few years tend to show that democracy and progress contradict one another. Multiparty democracy was discredited by focusing solely on power politics. Parliament witnessed many aberrations in the name of retaining and ousting governments. Not a single House of Representative was allowed to complete its tenure. Continuous confusion and*

disorder resulted in the obstruction of the democratic process.[5] He further said addressing the Nation at the time of the royal takeover on February one, *'…today we have once again reached a juncture, where in keeping with popular aspirations, a historic decision must be taken to defend multiparty democracy by restoring peace for the nation and people. Even when bloodshed, violence and devastation have pushed the country on the brink of destruction, those engaged in politics in the name of country and people continue to shut their eyes to their welfare. Tussle for power, abuse of authority on gaining power and unhealthy competition in fulfilling personal and communal interests at the expense of the nation and citizenry contributed further to deterioration in the situation. …It is now time to bring to an end the ongoing act of terrorist violence and pledge, in earnest, to fulfill the people's aspirations with the restoration of peace and security in the country…. As it is our responsibility to preserve our nationalism, national unity and sovereignty, as well as to maintain peace and security in the country and ensure that the state of the nation does not deteriorate any further, we have, by virtue of the State Authority as exercised by us and in keeping with the spirit of the Constitution of the Kingdom of Nepal 1990, taking into consideration Article 27 (3) of the constitution, dissolved effective from today, the current Council of Ministers to fulfill the people's desire for the restoration of peace and security and to activate soon the democratic dispensation*[6]*'.*

Time and again, the king highlighted the role of the Shah Dynasty in the nation building of Nepal, referring to the unification process initiated by the King Prithvi Narayan Shah. Like his forefathers, he

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[5] The King's address to the nation at the time of the Royal takeover on 1st February 2005. It was the morning of 1st February (10:50 am), security officials under the command of army were deployed in all strategic places such as the media houses and party offices. Security forces were sent to arrest or detain political leaders and human rights activists. Telephone lines were cut and the king's address to the nation lasted more than 34 minutes. Prime minister and ministers were detained in their own offices and residences (Upreti, 2006). There was a meeting of the king held with the security forces (The military, police and the armed police force in the evening of the 31 January. The king met the Prime Minister in the same day but the prime minister was not aware of the plan. Later, Mr Deuba acknowledged that when he met the king he felt that something could happen but he did not suspect the king to take such a big step.

[6] See The Kathmandu Post of 2 February 2005 for the full text of the speech by the King.

wanted to be at the centre stage of Nepal's politics, which was opposed by the SPA and the CPN (Maoists). The King had miscalculated the people's desire for peace and his own ability to deliver it. Ordinary people were tired of continuing violence, but monarchy itself was the root cause of the structural conflict because of its feudalistic, exclusionary and regressive nature. The ordinary people's expressed desire for peace was misunderstood by the king who was only keen to strengthen his direct rule in the name of 'fighting against terrorism'. Hence, without declaring a ceasefire, he, invited the CPN (Maoists) for peace talks, ignoring the other political parties. He was over reliant on the security forces and in using coercive strategy than political negotiation. But his strategy and tactics to get support for his regime from the international community in the name of 'war against terrorism' and military-reliant coercive approach failed.

The April movement of 2006 was basically the result of the king's action and behaviour. Repression, gross violence of human rights, blatant abuses of state power and resources, abuse of authority, and tense relation with international community marked the king's direct rule. If the king had not repressed the political parties, perhaps they would not have needed to align with Maoists to jointly fight against his regressive regime. The 12-point understanding between the SPA and Maoists was the outcome of the suppression by the king. The three of the 12-point understanding actually paved the path of the April movement:

1. Today, democracy, peace, prosperity, social advancement and a free and sovereign Nepal is the main desire of all Nepalese. We completely agree that autocratic monarchy is the main hurdle in (realizing) this. It is our clear view that without establishing full democracy by ending autocratic monarchy, there is no possibility of peace, progress and prosperity in the country. Therefore, an understanding has been reached to establish full democracy by ending autocratic monarchy by exerting all forces against it, thereby creating a nationwide storm of democratic protests.

2. The seven agitating parties are fully committed to the fact that only by establishing full democracy through the restoration of

the Parliament with the force of agitation, forming an all-party government with complete authority, holding elections to a constituent assembly through dialogue and understanding with the Maoists, can the existing conflict in the country be resolved and sovereignty and state power completely transferred to the people. It is the view and commitment of the CPN (Maoists) that the above mentioned goal can be achieved by holding a national political conference of the agitating democratic forces, and through its decision, forming an interim government to hold constituent assembly election. An understanding has been reached between the agitating seven parties and the CPN (Maoists) to continue dialogue on this procedural work-list and find a common understanding. It has been agreed that the power of people's movement is the only alternative to achieve this.

3. Today, the country demands the establishment of permanent peace along with a positive solution to the armed conflict. Therefore, we are committed to ending autocratic monarchy and the existing armed conflict, and establishing permanent peace in the country through constituent assembly elections and forward-looking political outlet. The CPN (Maoists) expresses its commitment to move along the new peaceful political stream through this process. In this very context, an understanding has been reached to keep the armed CPN (Maoists) force and the royal army under the supervision of the United Nations or any other reliable international supervision during the holding of the constituent assembly elections. It is also agreed that the result of the free and fair elections would be accepted by both the parties (SPA and the CPN-Maoists). We expect reliable international mediation even during the dialogue process.

The SPA had protested the king's rule right from the beginning, but the Nepalese people had lost faith in these parties because of their poor performance in the past and therefore had not meaningfully participated in the earlier protest programs (Upreti, 2006). Once the SPA reached the 12-point understanding with the Maoists and publicly acknowledged their past mistakes and promised not to commit the same mistakes again (points 6 and 7),

The Maoists similarly promised to work together to resolve 10 of years armed conflict, establish peace and to work toward restoring full democracy in the country. Once this was done people in massive strength came on to the streets and challenged the royal régime Non-violent April movement of 2006 was precisely the outcome it.

2.4 People's Power Observed in Nineteen Days (6-24 April 2006)

The SPA called a nationwide general strike (*Nepal bandh*) for 4 days (6-9 April). In response, hundreds of thousands of people came onto the streets across the country. On 5th April, CPN (Maoists) declared a ceasefire in support of the general strike. In spite of the SPA's promise of a peaceful the general strike, the royal government was claiming that the CPN (Maoists) will infiltrate the general strike to make it violent and the government would take necessary measures to protect the people's life and property. The government asked the SPA to call-off the general strike and threatened to suppress it with the use of force. Despite the threat from the government and Nepal army (which led to the formation of a unified command of police, armed police, military and intelligence), the SPA decided to go ahead with their plans of agitation and protest.

On the first day of the general strike on the 6th April, protesters organized mass rallies all over the country .In some areas protestors dismantled the statues of the Shah Kings. This protest was expanded in the following days. Even before the start of April movement, the royal government mobilized unified command to prevent people from coming on to the streets. Political leaders and activists were arrested from their residence or at the first encounter in the demonstration. People organized demonstrations in different parts of the town and district headquarters all over the country. The King's government took all sorts of repressive measures and indulged in excessive baton charges and gun fires. On the 1st day of the general strike, CPN (Maoists) fiercely attacked the unified command in Sarlahi district and the defeat severely demoralized the security forces. Consequently, the security forces vented their anger against peaceful demonstrators in different parts of the

country. Mass demonstrations in the streets of Kathmandu and other parts of the country were expanding rapidly, irrespective of gunfire and other repressive measures employed by the autocratic government. On the evening of the 7th April, the government imposed a night time curfew extending it to day-and - night curfew on 8th and 9th April with a 'shoot on sight' order. However, people defied the curfew and came on to the streets in mass. By April 9, almost 90 percent of the political leaders who had actively led in the protest, and more than 70 percent of local civil society members, human rights activists and journalists supporting the protest were arrested and jailed.

The nationwide general strike (6-9 April) called by the protesters get expanded for an indefinite period and people form all walks of life came on to the streets to protest the brutal regime of the King in greater numbers. Civil disobedience across the country paralyzed the nation. The King's government and its home minister with a proven track record of anti-democratic convictions totally failed to keep law and order in the country even after full mobilization of the unified command and mobilization of all state resources and power. Government employees from law courts, ministries and departments, from corporations and companies all joined the civil disobedience and in the protest. Civil servants, banking sector and state-owned public sector employees joined in the protests. Even, tourists and foreign citizens joined in the protests held in Kathmandu and Pokhara. Solidarity for the democratic movement was evident on a massive scale. Even in remote rural districts more people gathered every day [7] and the number of people coming onto the streets of Kathmandu reached 2 million in strength. The then 'Royal Nepal Army[8]' used helicopters for surveillance over peaceful demonstrations in different parts of the country and directed the ground troops to suppress them. Ground forces opened fire at the demonstrators in different parts of the Kathmandu with the orders of the army officers in the surveillance helicopters. The then Home Minister himself was working at the Army headquarters for coordinating with the Army

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[7] The Kathmandu Post April 24, 2006.
[8] After the successful April revolution, the name of the Royal Nepal Army was changed to Nepal Army by the revived Parliament.

Chief and the Valley Command Forces to suppress the movement. The government justified its suppression by saying that it found infiltration by CPN (Maoists) cadres in the demonstrations. So, during the 19 days of peaceful protests, 25 people got killed, with more than 5500 people wounded that created a horror all over the country. The government massively mobilized 'vigilantes', criminals, and royalist youths to suppress the pro-democracy movement. Home Minister is alleged to have spent millions of rupees weekly for this purpose[9]. But this measure did not work.

When the April movement rapidly spread, the king invited SPA to talk with him. On his message to the nation on the occasion of the New Year's Day on the 14th April, he said, '*...Democracy demands restraint and consensus as all forms of extremisms are incompatible with democracy. While facing the challenges confronting the nation democracy also emphasizes acceptance of the pre-eminence of the collective wisdom in charting a future course*' [10]. However, the SPA 'Movement Coordination Committee' said that the king's message was 'meaningless' and 'contains nothing'. It stated, '*The king has used the trump card of dialogue at a time when he is completely isolated at the national and international level. The idea of the dialogue is a ploy by the royal regime to create confusion among the people and the international community*'. The King failed to weaken the resolve of the people's movement in the name of dialogue. Interesting contradiction is that during the 14 months of his direct rule, the king consistently denied requests from political parties, the civil society and the international community to open dialogues with the political parties and to reach a negotiated settlement with them.

When the king failed to convince SPA to come up to talks, he attempted to use the international community, particularly India and the USA, countries who were in favour of the constitutional

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[9] The government appointed after the April movement formed a high level commission under the chairpersonship of ex-judge of the supreme court Mr. Krishna Jung Rayamajhi (Popularly known as the Rayamajhi Commission) to investigate the atrocities caused by the King's government to suppress the 19 days of *Janandolon*. This commission came to the conclusion that the whole team of the king's government was responsible for killing 25 people and wounding more than 45,500 people with the misuse of millions of rupees from the treasury.

[10] The Himalayan Times 14 April 2006.

monarchy, to help him out. International community in general and these two countries in particular pressurized the SPA to accept the king's offer. Dr. Karan Singh, [11] who is a relative of the Nepalese Royal family, came as a special envoy of the Indian Prime Minister, Dr. Manamohan Singh, to mediate with the SPA. On 19 April, Dr. Karan Singh met the SPA leaders and discussed the package he brought from the Indian government. His formula prescribed negotiation between the king and the SPA ensuring constitutional monarchy, and handing over of the executive power by the king to the SPA. The King accepted this package of negotiation. Accordingly, on the night of 21 April, he addressed the nation and said, "*we, through this proclamation, affirm the executive power of the Kingdom of Nepal, which was in our safekeeping, from this day, shall, be returned to the people and be exercised in accordance with Article 35 of the 1990's constitution[12]*'. However, people in the streets were in no mood to compromise unless the king accepted all the demands of the protesters (full acceptance of the 12-point understanding, and election to a constituent assembly).

After this offer from the king, India expressed its hope that the king and political parties would reconcile and move ahead. At the same time, Envoys of USA, France, Sweden, UK, Germany and Finland went to the residence of SPA senior leader, Girija Prasad Koirala, on the 22 April to pressurize SPA leaders to accept the offer of the king. People opposed their action vehemently [13].

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[11] Foreign Secretary Mr Shyam Sharan (who was Indian Ambassador to Nepal earlier) and Mr Pankaj Sharan (Joint Secretary of Indian External Affairs) also accompanied him and Mr Shayam Sharan had also talked with the Royal Nepal Army at that time.

[12] Article 35 of the 1990's constitution states that the executive power shall, pursuant to this Constitution and other laws, be vested in His Majesty under this constitution shall be exercise upon the recommendation and advice, and with the consent of the council of ministers, except as otherwise expressly stated that it may be exercised exclusively by Him Majesty or at his discretion or on the recommendation of any institution or official. Such recommendation, advice and consent shall be submitted through the Prime Minister.

[13] See "Open questions to European Diplomats" from Bishnu Raj Upreti on 23 April 2006 at web page **http://www.europe-solidaire.org/spip.php?article1975** for detail about the public opposition to their pressure to SPA leaders. The main questions asked were (1. How many times the king has used its commitment on multiparty- democracy and respect of human rights during his direct autocratic rule and did he ever translate

However, once the protesters knew that the foreign diplomats are exerting pressure on SPA leaders to compromise with the king, a huge mass of demonstrators reached the residence of Girija Prasad Koirala where foreign envoys and SPA leaders were having a meeting. They chanted slogans against the king's offer and warned the SPA leaders not to surrender to the pressures by the foreigners and to keep the movement to go on. In the end, the SPA leaders rejected the King's offer as well as the suggestions made by a group of foreign diplomats. The movement continued with strength and received wider support. By the 23rd of April more than half the of country's population came out on to the streets protesting against the king's rule and demanding the election for a constituent assembly. The street demand now shifted suddenly in favour of a republican state and punishment to the king.

Mass demonstrations turned into violent confrontations in different parts of the country. The royal regime brutally tried to suppress by mobilizing the army. It was not acceptable to the people and people opposed the repression by coming out onto the streets in millions. The Army failed to control the mass uprising and the SPA leaders got encouraged with the people's support. They threatened to form a parallel government (which CPN (Maoists) leaders had been suggesting them from the time of signing up of the 12-point agreement), if the royal regime was not willing to surrender. Public pressure was mounting against the King tremendously.

Finally, the army succumbed in front of people's power, since they could not control millions of demonstrators rallying on the streets. The army feared the possibility that the teeming millions of

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these rhetoric into practice? Why Nepalese people should believe another rhetoric this time?; 2. Do you truly believe that the attitude, intention and behavior of the king are committed to democracy and establishing people's sovereignty?; 3. Political history and culture of your country revels that there is respect of people supremacy and will. You should not respect this principle in the case of Nepal?; 4. Do you want political leaders not to respect the aspiration of people protesting in street?; 5. How you see possibility of resolving the deepening crisis by just accepting the prime minister offered by the king? This arrangement in the past but did not produce any result? And 6. Are you in support of the king's manipulation or with Nepalese people struggling to establish people's true sovereignty?]

protesters could storm the royal palace if the mass demonstrations continued further in the coming days. As the army was the sole base of king's 1st February coup and since the royal force was already demoralized, the king had no options but to submit to the wishes of the people. Then a tactical package of negotiations was offered from the Royal palace and from the international power centers to the SPA leaders. This package had two conditions to be fulfilled by the SPA leaders which they accepted just before the king's address of 24 April. The first condition was to keep the constitutional monarchy and the second, not to interfere the army. A negotiation between the SPA and the Royal palace was reached on the mid night of 24 April 2006. In a televised speech the King said,' *Realizing the people's movement and seven party alliance's roadmap we have revived the House of Representatives which would help resolve the national problems, including violence...'[14].* The CPN (Maoists) and some critical analysts were not happy with the negotiated settlement accepted by the SPA. They argued that the people's movement would have definitely overthrown the monarchy with the peaceful street protest continuing for 2 more days, if the SPA had not accepted the negotiation. It was also suspected that SPA leaders had assured the king about the continuity of the monarchy in the country upon which the king accepted the roadmap of the SPA. At the same time, the CPN (Maoists) too were unable to continue the movement alone without further support from the SPA.

2.5 April Movement 2006 and Political Alliance of Compulsion

The major political parties such as the Nepali Congress (splinters were reunited in November of 2007), the Communist Party of Nepal (United Marxist-Leninist) and to some extent other members of the SPA and the CPN (Maoists) had had deep adversarial relationship, attempting to politically finish each other. The SPA parties were in the government previously and using the state power to suppress the CPN (Maoists) rebels fighting against the state and also the ruling parties. Despite the vehement request by peace activists, civil society leaders and intellectuals to opt for a

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[14] The Kathmandu Post 25 April 2006.

non-violent approach to conflict transformation, for 8 years political parties were continuously ignoring this request and were using force to defeat the CPN (Maoists). Political parties never realized the need for state restructuring and transformation of a stratified vertical social structure and a skewed economic and political relation (Upreti, 2006). All major political parties showed a power-hungry attitude and behaviour of the status quoists. They were not only intensely engaged in their own internal power struggle, but also continuously bargaining with the King for power. Hence, they never made serious efforts to end the violent conflict with a negotiated settlement. Instead, they used the Maoists armed conflict as a pretext to retain their own power. Political parties realized their mistakes and erosion of public trust in them when the king arrested and jailed them, and imposed his autocratic rule on the 1st of February, 2005.

On the other side, CPN (Maoists) leaders were concentrating to strengthen their army power and to weaken the political parties, instead of meaningfully engaging them to change the feudalistic political order. They let the palace and other regressive forces to erode the popularity of the political parties and vice-versa. However, their magic expansion and success in managing 'people's war' was able to bring 80 percent of the country under their control, though they were not able to capture the state. Therefore, the armed conflict reached a situation of strategic stalemate. The CPN (Maoists) defeated the Nepal Army in many individual armed fights, but it was not able to defeat the state on their own. Hence, they were now seeking to defeat the king and his army in a concerted arrangement. For that, they not only changed their strategy but they also ideologically shifted their aims of a totalitarian government and a centrally controlled political system and opted for a more competitive multi-party political system.

Therefore, the decision on both sides (CPN (Maoists) and the SPA) was based on the 'necessity and compulsion' of circumstances created by the king. It was the king and his autocratic government which were primarily responsible for bringing these two opposing forces together and for reaching the 12-point understanding which laid the foundations for the April movement. In the modern history of Nepal, significant political changes have taken place in the last

two years: the April 2006 popular uprising being the most important one. The April movement also brought the ten years of armed conflict to the final stage of negotiated settlement.

2.6 CPN (Maoists) in the April Movement

After serious discussions, CPN (Maoists) and the SPA leaders reached an agreement in New Delhi on 19 of March, 2006 and agreed to coordinate their plan for a nationwide general strike during 6-9 April[15]. CPN (Maoists) not only declared unilateral ceasefire on 3rd April 2006 and called halt to all offensive operations by it in the district headquarters and in the Kathmandu valley, but also lifted the indefinite transportation blockade they had imposed on Kathmandu in the previous weeks[16]. These steps were necessary for making the people's movement successful.

Once, the SPA and the CPN (Maoists) agreed to hold the constituent assembly elections, restructure the state, and to decide the fate of the monarchy by the constituent assembly meeting, public support suddenly for the movement increased and the mass came on to the streets. CPN (Maoists) leader Prachanda issued several statements against the royal takeover and expressed his commitment to support the political parties to restore democracy. Senior CPN (Maoists) leaders and SPA leaders visited New Delhi to discuss the modalities of collaboration to fight against the royal takeover. They discussed the issue with various Indian politicians. In October, SPA gave mandate to Madhav Nepal and Girija Prasad Koirala to hold talk with the CPN (Maoists). After a series of discussions and meetings [17], they agreed to a 12-points understanding. The CPN (Maoists) declared a unilateral ceasefire for three months on September 3 2006, and promised that it was a step forward with the political parties in political collaboration. This ceasefire was a very strategic choice of the CPN (Maoists) because:

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[15] Kantipur Daily, 20 March 2006.
[16] Kantipur Daily 4 April 2006.
[17] see *Nepal Weekly*, Vol. 6, No. 15, 20 November, 2005 for detail on the talks between the Maoists and the political parties.

- They gave the message across the world that they want peace and end to political conflict,

- They made the King's position difficult in winning international support on the mere ground of controlling terrorism. The king had planned to attend the UN General Assembly where he could strongly put his case to justify the royal takeover as a step to combat terrorism. When the Maoists declared a ceasefire, the king faced an awkward situation. He had to justify his takeover in the UN as a move for peace in Nepal but if his government would not reciprocate the ceasefire how could his steps (royal takeover) be justifies? This raised serious questions on the intention of the king. Obviously, his intention was not to restore peace and he therefore did not reciprocate the ceasefire. All this led him to cancel his plan to address the UN General Assembly in September of 2005.

- CPN (Maoists) also gathered more sympathy from the Nepalese people and the international community because of their unilateral ceasefire,

- Pressure mounted on the king's government both domestically and internationally for reciprocating the ceasefire,

- In between, they could organize political programs, train their cadres and fighters, and accomplish organizational activities, such as meetings and conventions, training and orientations, expansion of public relations, etc.

During the king's direct rule, CPN (Maoists) made strategic moves demonstrating to the Nepalese people and the international community that their side was genuinely committed to peace, willing to collaborate with political parties, and accepted multi-party democracy, and respect for the rule of law and human rights. But they kept on pressurizing the army and the King. In collaboration with the SPA, they foiled all bids for local election, which the King intended to launch to show his commitment to democracy. The CPN (Maoists) had earlier declared a national strike in the 1st week of April, but later withdrew it to make the 5-day protest organized by the SPA successful. Further, the CPN

(Maoists) sent large number of people from rural areas to the cities and town center to hold mass rallies and protests; they publicly supported the general strike and mobilized their forces to make the protest successful. Thus the CPN (Maoists) contributed substantially and procedurally to make the April movement successful. Ten years of CPN (Maoists) armed conflict and the 12-point understanding laid the foundation for the success of the April Revolution.

2.7 Seven Party Alliance in the April Movement

The SPA was the leading force of the April movement. As mentioned earlier, the credibility of the political parties had been eroded, and people were frustrated with them for their failure to bring about peace, and give them good governance. Soon after the royal takeover however, people realized the importance of the role of political parties. The king's rule failed to address the expectations of the people in establishing peace, controlling corruption, and in stopping abuses of state power and resources by the government personnel. Instead, corruption increased manifold, insecurity reached a peak in the history of Nepal, resources and power of the state were blatantly abused by government official and ministers .The King's poor performance helped political parties gradually regain the confidence of the people.

The role of SPA during the nineteen days of April movement was quite noteworthy in which primarily, the youth leaders of political parties played an important role in making a success of the movement. The SPA initiated the movement and later a spontaneous participation of the mass followed. SPA leaders publicly acknowledged this fact by saying that 'The *Movement from now on was in people's hand[18]'*. Local coordinator of the Mass Movement Coordination Committee in Kathmandu said, '*even if the seven parties accept the king's offer, we are in no way going to compromise…the people will choose their leader'*. Most SPA leaders were not that active in the people's movement, but they showed their political maturity by not surrendering to the wishes of the King.

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[18] The Himalayan Times, 22 April 2006.

The Royal takeover was a serious blow to the political parties. The main leaders of the political parties were either detained arrested or jailed. The SPA leaders viewed these moves by the king as a strategy to weaken the resolve of the political parties. This motivated the political parties even more to unite to fight against the King's takeover and reinstate democracy in the country. They signed a six-point program that called for the restoration of the House of Representatives as an entry point and the elections to the constituent assembly as an exit point for resolving the ongoing conflict. Some political parties even changed their position on the constitutional monarchy, opting for a republican political set up.

The SPA had boycotted the municipal election arranged held by the royal government in the February of 2006. They tried to get more international support to their cause. Leaders of the main political parties [19] visited India and discussed Nepal's political crisis with the Indian government, the Indian political leaders as well as CPN (Maoists) leaders. On 16 November 2005, CPN-UML leaders Madhav Kumar Nepal and Khadga Prasad Oli suddenly flew to New Delhi, only 5 days after their return from India. The Indian Ambassador met Madhav K. Nepal the same day before departing for New Delhi. Girija Prasad Koirala too was in New Delhi for a week. The Indian Ambassador also flew to New Delhi on the same day. CPN (Maoists) leaders were there in New Delhi already. The CPN (Maoists) and the SPA leaders held several rounds of talks and Indian politicians helped in coordinating these meetings. As a result the historic 12-points agreement comes to be born.

The Delhi meeting and consultation of SPA prepared a roadmap[20] called 'the declaration for a united effort to resolve the national crisis', making the following provisions:

1. Take up the democratic road and not the one leading to extremism,

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[19] For example, Girija Prasad Koirala (NCP), Bam Dev Gautam (CPN-UML), Gopal Man Shrestha (NCP-D) visited India to finalise 12 point understanding.

[20] A Joint Declaration for a United Effort to Resolve the national Crisis, signed by the leaders of 7 parties and issued on 8 May 2005 (25 Baishak, 2062).

2. Today's need is to do away with the King's autocratic rule,
3. Reinstatement of the parliament for a people's representative government,
4. Some important points mentioned to resolve the national crisis were:
   a. The government shall be responsible to the parliament,
   b. Conflict management and reinstatement of peace,
   c. Commitment toward the future progressive programmes,,
   d. Constitution shall adhere to the norms and values of liberal multiparty democracy ,
   e. Progressive political movements to be based on the constitution of 1990,
   f. Plans to hold national elections.

This roadmap of the SPA laid the basis for reaching the 12-point understanding between the CPN (Maoists) and the SPA later.

The SPA formed a Joint People's Movement Central Coordination Committee to organize and coordinate the people's movement and passed a resolution on the 13th of March to organize a 'Let's Go to Kathmandu' campaign to effect the 6-9 April national strike successful[21]. Youths, students and trade union wings of SPA played a crucial role in making the non-violent people's movement successful.

2.8 Civil Society in the April Movement

Immediately after the royal takeover, the civil society became active in organizing rallies, debates, discussions that provided a strong support to the SPA cause to fight against the cessation of democracy. Initiatives taken by the civil society to promote the people's movement for democracy encouraged the political parties gain confidence and win back the lost trust with the people. The civil society for the first time defied the curfew with a march from

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[21] Kantipur Daily, 14 March 2006.

the Teaching Hospital, one of the coordination centers for the mass protest, and came out onto the street despite the 'shoot-on-sight' order.

Human rights groups and professional organizations such as the associations of journalists, lawyers, medical practitioners, actors, engineers; students unions, university teachers and laborers; writers and poets, guild, artists, and private sector media houses all got active in protest of the royal takeover . Specialized associations such as the Federation of Community Forestry Users in Nepal, Nepal Poultry Entrepreneurs Forum, Nepal Hotel Workers Association, Nepal Chartered Accountant Association, Airline Operators Association, Forest Technicians Association, National Dalit Rights Forum, Indigenous Peoples Peace Commission, the Sociological and Anthropological Society of Nepal, Maithili Federation, Loktantrik Newa Struggle Committee, and National Disabled Federation also backed the people's movement. Civil society initiative was also supported by international organizations and networks, such as The UN High Commission on Human Rights, The Amnesty International, The International Commission of Jurists, The Human Rights Watch, The International Federation of Journalists, Reporters without Borders, The World Association of Newspapers, The World Editors Forum[22], etc. The Civil society mobilized hundreds of thousands of people not only in The Kathmandu Valley, but also in small cities, towns, urban areas and villages across the country. In terms of keeping anti-regression movement going in the face of a heavy handed suppression, human rights groups, lawyers and journalists all played a crucial role[23].

The contribution of the civil society to successfully accomplishing the people's movement was acknowledged and appreciated by political leaders. This was reflected in the formation of a 5-member Peace Talks Observation Team (to which 5 prominent leaders of the civil society were selected) and a 31-member National Code of Conduct Monitoring Committee by the

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[22] All of them issued strong statements, wrote to the king to stop attack on people, and condemned gross violation of human rights and even some of them threatened.

[23] Human rights activists were the first to break the no go zone declared by the royal government, journalists and lawyers were in the street continuously to protest the king's regime at the time when political parties were not able to come to the street.

negotiation team composed of CPN (Maoists) and the government on the 15th June 2006. On top of it, CPN (Maoists) proposed to allot 33 percent seats to the civil society in their nomination to the interim parliament[24]. Sadly , however the prestige accorded to many of the civil society leaders by nominating them to position of responsibility has been eroded making them a baseless and opportunistic group of people having no roots among the grassroots.

2.9 Nepalese Citizens in the April Movement

The expectation of the Nepalese people had got quite high because of the regime change from an autocratic system to one of a multiparty parliamentary democratic system in 1990, with commitments of political leaders to address the people's sufferings. But these assurances were systematically denied them not only by the previous regime, but also by the political parties who came riding the waves of political change. They completely ignored their commitment made to the Nepalese people during the time of the 1990's movement. Hence, people were frustrated by them and alienated by them. To some extent, attracted by CPN (Maoists) insurgency. The King used this frustration of the people to play against political parties, and staged his coup. He made a promise to fulfill major expectations of the Nepalese people, restore peace and security, control corruption, maintain law and order, achieve national unity and prevent the nation from further deterioration. However, his actions and behavior in the 15 months of the royal rule proved to be just the opposite of his public reiterations. .The king did not make any attempt to resolve the Maoists armed conflict. Rather, he used the opportunity as a means to hold on to power. Nepalese people soon came to realize that the king's direct rule was even more harmful to people and the country. Therefore, they lent their full weight to the April movement. One uppermost concern of the April mass movement was restoration of peace in the country. Women, disabled persons, children, elderly, farmers, street vendors, and even rickshaw pullers actively took part in the

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[24] This was reflected in the suggestions given by the CPN (Maoists) to the Interim Constitution Drafting Committee.

peaceful mass protest. It was estimated that more than 16 million people came out on the streets across the country.

2.10 King's Government and the April Movement

The king was in no mood to compromise with the SPA during the early days of the movement. He was neither interested to listen to the SPA and CPN (Maoists) nor ready to listen to the international community and the civil society. Rather, he made unsuccessful attempts repeatedly to convince the international community to help him fight terrorism in Nepal. This becomes clear from his address to the SAARC Summit at Dhaka on 12 of November, 2005. He said, *"It is ironical to note that the global war on terrorism is not matched by global action against it. The global war on terrorism has failed to reach every nook and corner of the world, especially in weak and vulnerable countries, as if they do not deserve justice and protection from terrorism. It is this double standard and selective approach that is assuming a dangerous character rather than terrorism itself. We cannot make a distinction between good and bad terrorism; terrorism is terrorism. In our region, the Declaration of the 11th SAARC Summit held in Kathmandu categorically stated that "terrorism, in all its forms and manifestations, is a challenge to all states and to all of humanity, and cannot be justified on ideological, political, religious or any other ground". We agreed that "terrorism violates the fundamental values of the United Nations and the SAARC Charter and constitutes one of the most serious threats to international peace and security in the Twenty-first century". Nepal has ratified the SAARC Convention on Suppression of Terrorism and its Additional Protocol with the belief that these instruments provide an effective tool to counter terrorism in the region. We call upon the SAARC member states to forge a strong partnership to eliminate terrorism from the region as well as spearhead a coordinated and earnest action against it"*. His heavily worded statement was a clear message to the international community that he is fighting terrorists and the SAARC countries should not criticize for his war on 'terrorism'. His statement in the SAARC Summit was in essence a response to the demand made by the international community to hand over power to political parties.

Interestingly, the King had nominated to his cabinet members who were notorious figures in the autocratic panchayat regime (this time also, all political parties remained banned) with a track record of crime, human rights violation, rape, corruption, hooliganism and default on bank loan behind them[25]. None of them had democratic credentials and a commitment to multi-party democracy. Therefore, all their efforts were concentrated on reviving all but the old autocratic panchayat regime. Hence, under the direct guidance of the king, the cabinet members made systematic efforts to dismantle all the democratic institutions one by one, evolved during the 12-13 years of multi-party political rule earlier. The king's government had issued more than 6 dozens of ordinances to strengthen the King's autocratic rule.

The ministers in the autocratic government of the king made every effort to get the political parties surrender themselves before with the king. They treated progressive democratic forces as supporters of the CPN (Maoists). The actions and behavior of the ministers and of the king's coterie thus widened the gap between the progressive political forces and the palace that contributed to materialize the April movement.

As the king took very regressive path, he was unable to find enough capable people to accomplish the important state tasks such as those of ambassadors, ministers, planners, analysts and strategists, security and political advisors. He did not trust capable and honest people who had earlier served in the autocratic panchayat regime. He had to fully rely on the incapable persons with regressive attitudes. Their main role during the 15 months of autocratic rule was to widen the gap further between the palace and the political activists, suppress human rights activists, journalists and political parties, and to wipe out the CPN (Maoists) cadres. These acted as some contributing factors to unite people for April Revolution.

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[25] His vice-chairperson and other two of the powerful members of the cabinet were defaulters of the banks' loan, one senior minister was charged as attempt rapist of hospital nurse, many of his cabinet ministers were declared as guilty of suppressing 1990's peoples movement by the Mallik Commission, two of the cabinet members were charged by the court as guilty of corruption.

The King similarly made unsuccessful attempts to use religion in strengthening his power. He had mobilized radical extremists and the orthodox Hindu clerics, and had hired people working under the banners of Hindu religion to oppose progressive political forces, which only back fired.

The hard-line royalists moves helped to widen the gap between the king and the political parties and that contributed to the birth of the idea of republicanism. A former Chief of the army staff, who was said to be one of the close advisors to the King, had publicly asked the government to declare political parties as anti-nationalists force. The then Vice- Chairman of the Cabinet, Dr Tulsi Giri clearly said that monarchy and democracy in Nepal cannot go together and therefore Nepalese people should either monarchy or democracy (Upreti, 2006). In a television interview he further said that sovereignty cannot originate from two sources, it should only be with the king, not with the people judging from past experiences, it is unlikely that he could speak on such a fundamental issue without the consent of the king[26]. This meant that the King was not ready to give up power yet and was not interested to hold talks with the political parties. It is because of these factors that, Nepal's politics is headed toward a republican system.

The CPN (Maoists) demand for a republican system is gradually progressing. The CPN-UML has decided to go in for a republican political system. Similarly, the Nepali Congress, another big party and a past supporter of the idea of the constitutional monarchy has changed its stance by removing the provision of a constitutional monarchy from its party constitution. Other leftist political parties had been already in favor of a republican system. Youths, intellectuals, and the civil society members are increasingly aligned to the republican idea. In this way, influential forces in Nepal, which had defended the constitutional monarchy earlier, are now asking for a republican political set-up. Thus, the 1st February

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[26] For example, Dr Mohamad Mohasin, Communication Minister in the *Deuba* government said to be representative of the king, repeatedly indicated in late 2004 and early 2005 about the forthcoming of 1st February event. Keshar Jung Rayamajhi had publicly asked the King to takeover. It happened after few weeks of these statements.

move by the king proved counterproductive for the life of the monarchy in Nepal.

2.11 Security Forces in the April Movement

The security forces were also abused grossly in suppressing the April movement of 2006. The movement was suppressed by the Unified Command under the leadership of the then Chief of the then Royal Nepal Army, who was leading the fight against CPN (Maoists) insurgency. The army had created a special valley command to suppress the people's movement in the Kathmandu Valley. Similarly, a core team composed of the Army Chief, the Home Minister and the palace representative was made responsible for the mobilization of this security forces and in foiling of the people's movement. The army and the armed police used force excessively. The army used air patrolling by flying helicopters over rallies and demonstrations to create fear. Tanks and army vehicles were moving on the streets of Kathmandu Valley and in areas of mass rallies. When security forces unleashed brutal suppression against the people, national and international media vehemently criticized the security forces for its repression. Nepalese people came out even in greater number than ever to protest the use of force. 25 demonstrators got killed. Many of them were deliberately shot to death. Security forces shot at the demonstrators on the orders of their higher authorities (core team and valley command) .So they did not bother to take any precautionary measures. The use of excessive force thus became counterproductive in effect and millions of people came to the street to oppose the brutalization even more in number.

Security forces on the ground were also facing other serious dilemma. On one side, their own family members ('wives of security personnel', 'family members of the security forces') not only came out in protest on the streets and participated in mass demonstrations, but they also issued statements asking their husbands and sons to stop shooting at the rally. On the other side, their seniors in command were ordering them to shoot.

2.12 International Communities in the April Movement

The role of the international community during the royal regime had been largely favorable and supportive to the people's resistance movement since most of the international members were not happy with the takeover of 1st February 2005. However, their role in the eyes of Nepalese people looked suddenly suspicious as envoys of USA, France, Sweden, UK, Germany and Finland rushed to the residence of SPA senior leader Girija Prasad Koirala (where SPA leaders were having a special meeting) and wanted to exert pressure on the SPA to accept the king's offer of the 21 April. However, this offer amounted to nothing less than legitimizing the king's rule and accepting him as the custodian of the constitution and the protector of the national interests and institutionalizing monarchy in the future also. Hence, hundreds of thousands of protestors reached venue of the meeting and warned the SPA leaders not to make any compromises and keep the people's movement going.

On the other side, Finish Charge de Affairs Mr. Pauli Mustonen[27] (who was also the local chair of EU at that time), said, '*Many EU countries have welcomed the king's proclamation of 21 April and the EU is monitoring the situation'*. Similarly, the then British Ambassador Keith Bloomfield said '*it could be a basis to move ahead but parties do not accept it[28]'.The* EU issued a statement saying that the royal proclamation is an opportunity for parties to move ahead. Similar supports to the king were coming from China, Canada, and the UN welcoming the Royal proclamation. But, the SPA leaders in the end took the side of the Nepalese people and did not listen to what the foreign diplomats has to say. India changed its position at once and its foreign secretary Shyam Sharan said the next day (22 April) that the king's address of 21 April was not sufficient to solve the ongoing political problem.

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[27] Mr. Mustonen died in a helicopter crash in Taplejung on 23 September 2006 with other 23 persons including State Minister of Forest and Soil Conservation, Director Generals of Forest and Wildlife Departments, Ex -Minister Dr Harka Gurung, Head of WWF Nepal Dr Chandra Gurung, and others.

[28] The Himalayan Times, 23 April 2006.

Some of the international non-governmental organizations had also expressed their solidarity with the demonstrators. The Alliance of INGO even came on to the streets to express their solidarity and to protest the human rights violation during the April movement. Many senior Nepalese staff working in the INGOs and donor organizations got actively involved in the April movement in their individual capacity.

There was thus a good synergy from concerted efforts of the local and global civil society organizations in making the people's movement a success. The critical position of influential global organizations against the king and support for people's struggle almost paralyzed the royal government. Few days before the surrender by the king, The Amnesty International, The Human Rights Watch and The International Commission of Jurists called for a travel ban on the king, the army officers and his senior advisors and aides for traveling in foreign countries which placed the king in an extremely difficult situation. In a meeting organized by the Swiss government in Geneva, these three international organizations also suggested freezing the assets kept in foreign countries of any person(s) associated with the royal regime[29]. The same meeting also discussed 'targeted' and 'smart sanction' against the king and his aides. When the king's brutality against peaceful demonstrators was escalated from the 6th of April, bilateral countries and inter-governmental organizations became even more vocal to oppose the suppression.

Since the morning of the 24 April, a series of meetings was held by the key international players (Ambassadors of USA, India, Norway and few other diplomats), representatives of the Palace and the leaders of CPN (UML) with the NC. The main agenda of these meetings were how to peacefully end the movement. The Palace through the diplomats offered to negotiate with the leaders and expressed its willingness to accept the roadmap laid down by the SPA. Diplomats conveyed this missive of the King to the leaders of the political parties, and in response, a positive message was conveyed back by the political parties to the Principal Secretary of

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[29] Kantipur Daily, 19 April 2006.

the King, Mr Pashupati Bhakta Maharjan. Next the Principal Secretary of the Palace visited Girija Prasad Koirala and Madhav Nepal individually and informed the willingness of the king to accept the SPA roadmap. Restoration of the Parliament was the main demand of the Nepali Congress and therefore it at once agreed to the King's offer. Likewise, UML leaders were also convinced by the King's willingness to accept the SPA roadmap. Finally, a few selected leaders of NC, UML, and the Principal Secretary of the King (and some diplomats working behind the scene) drafted the text to be read by the king in the evening. The king's speech was broadcasted on the Nepal Television. In this way, the 19 - day peaceful [30] movement was ended. If this movement had been extended for another one or two days, the king would have been overthrown. However, the priority of SPA seemed to be to force the king to accept SPA roadmap, instead of ending the monarchy. Therefore, the negotiation that followed between the SPA leaders and Palace was a logical sequel despite the vehement opposition to it from the CPN (Maoists) who wanted to use the movement to end the monarchy immediately from this country. It is also widely speculated that an understanding between the political leaders of the NC and the representative of the king was reached to keep the constitutional monarchy in some form once the king agree to the SPA roadmap. This became obvious from to the fact that the restored Parliament reduced the role of the king but continued to recognize its existence .The government allocated a huge amount of the country's budget to pay the allowance of the King and his immediate family member. Many analysts and people close to the Prime Minister indicate that the frequent expression of Prime Minister G.P Koirala about the need for a 'ceremonial king' or 'baby king' is a reflection of this hidden understanding between the SPA and the King. However, the King got suspicious of NC leader's promise when the Interim Constitution was promulgated in which the role of the king was completely suspended.

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[30] Though the repressive government killed 25 people and wounded more than 5500 people, in 19 days the protesters were peaceful in this resistance.

2.13 People's Resistance and Start of Downfall of the Royal Dynasty

With the 10 years of republican campaign led by the CPN (Maoists) on the one side, and the behavior of the reigning king, his son and his close allies on the other had, has put the existence of royal dynasty on the verge of extinction. After the royal takeover of 1st February, major parties supporting constitutional monarchy such as the CPN (UML) have decided to opt for a republican political system, and the Nepali Congress the other big party of the SPA , too has deleted the clause of the constitutional monarchy from its party constitution. The Youth, ethnic communities, *Dalit* communities, intellectuals, scholars, journalists, and young politicians have all been overwhelmingly demanding for a republican political set up in the country. Even those who used to support the king and the active monarchy in the past have gradually been changing their positions at present. Many of them are agreed to a republican state in Nepal now. In the rural areas, the CPN (Maoists) have educated and oriented the people against the monarchy and oriented and in favour of a republican system. Hence, at present those who want to retain monarchy in this country are insignificant in number and not in a position to change the wave of republicanism in Nepal. USA, because of its strategic interests, by keeping the monarchy, hopes to stall radical communists from coming into power which might encourage other national and international radical communists to take up arms and come to power is indirectly supporting the palace but USA is also in a very difficult position, since by supporting the monarchy it is denying popular aspirations of the people. In its official statements, however, the USA has always maintained that it would respect the verdict of Nepalese people on the issue of monarchy. One can assume that the ever- awaited free and fair elections for the constituent assembly is most certainly going to end the 400 year old of monarchy of Nepal[31].

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[31] The Interim Constitution has made provision of deciding the fate of monarchy by simple majority decision of the first meeting of the constituent assembly.

2.14 Conclusions

The April movement of 2006 has fundamentally questioned the feudalistic, centralized and exclusionary political system presided over by the monarchy in Nepal. It has also paved the way for a broader socio-political transformation and the ushering of a federal republic structure of the state.

The April movement of 2006 has further strengthened the theoretical and methodological basis for adopting a non-violent approach for political change in 20th century .It has justified itself as an alternative method of conflict transformation in the 21st century. Nepal's recent model of mobilizing people's power against armed conflict challenges the American approach of use of force to resolve conflict. A Non-violent form of people's resistance is probably a better way always for strengthening democracy for state-building and transforming a feudal, hierarchical, exclusionary state apparatus into an inclusive, modern democratic state.

Based on the experiences of 19-day-long people's peaceful resistance movement, I argue that conventional concept of civil society needs to be redefined based on the potential of civil movement in changing the political system and shaping the future of the nation-state. I conclude that non-violent resistance movement has great prospect of settling conflict and building peace.

As explained in the theory of conflict transformation through non-violence (Wehr *et al,* 1994; Clark 2000), the people's resistance movement of Nepal has succeeded in transforming an autocratic and feudal regime of the king through a short run of transition to a promised democratic and peaceful country. Non-violent resistance movements can transform conflict by detaching it from the use of force and coercion through exercise of tolerance by harnessing conciliation, through promotion of co-operation and through use of other peaceful alternatives. The major actors of the April resistance movement demonstrated to possess these characteristics while fighting the army, state power and resources in a peaceful manner. Nepal's experience highlights that people's resistance movement

takes origin from below. It not only is able to contribute to the downfall of dictators and autocrats, it also paves the path for social change in a society.

Nepalese experience of the people's resistance movement has confirmed that the success of resistance depends upon certain complementary elements. These are a unity of purpose; a broad-based, non-violent and disciplined home-grown movement participated in by all concerned stakeholders, organizations, the media, support from national and international organization, and through use of a host of other tactics, such as strikes, demonstrations, boycotts, street speeches and street drama. Therefore, 'people's power is a form of consciousness', and is 'about restoring the invisible institution of morality' (Ackerman and Duvall, 2005:42) in the transformation of a state.

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CHAPTER 3

Role of Foreign Aid in Transformation

Sagar Raj Sharma

3.1 Background

Official Development Assistance (ODA), one of the forms of foreign aid, is a transfer of concessional resources, usually from a foreign government or international institution, to a government or non-governmental organization in a recipient country. It may be provided for a variety of reasons, including diplomatic, commercial, cultural and developmental. It is typically used to fund expenditures that further development (or at least, it is usually justified in that way) in the recipient country, most of which has been used to finance infrastructural investment projects – building roads and schools, providing training and education, family planning and so on. Since the 1980s, a significant portion of ODA has also been in the form of services used as balance of payments and budget supports for governments agreeing to adopt economic or political reform programmes.

But how effective has this ODA been in promoting overall development in the case of the least developed countries (LDCs), particularly countries like Nepal? Has it been effective and sustainable in achieving the goals of the projects and programmes it has funded? What role can ODA play in the rebuilding of the nations in transition? In case of Nepal, what role can ODA play in the peace-building process and national transformation? All of these questions require answering if one were to draw a picture of ODA effectiveness.

In his article, 'ODA as a Catalyst', published in the September 2001 issue of Development and Change, Jan Pronk argues that:

ODA is not the prime mover of development; it has sometimes even been an impediment, but this need not be the case. To use [ODA] as a reward for good development governance may indeed be justified under certain conditions, but often such conditions can only be met with outside help. [ODA] should, therefore, be used primarily as a catalyst, sometimes to help generate other resources or gain access to them, sometimes to help create domestic capacity or manage conflicts resulting from various forms of unsustainable development. At this juncture, what is required is a special focus in [ODA] policy on social harmony, political stability and peace, as preconditions for economic growth and development – not the other way around (Pronk, 2001:627-8).

In the same article, Pronk contends that private capital cannot wholly replace publicly provided capital, whether the latter is offered in the form of grants or loans. He also claims that ODA can have a positive or negative impact on the desired goals, for example, by crowding in or crowding out private investment, but with appropriate policies it can generally be made positive. Furthermore, he is sceptical as to whether econometrics can shed much light on the effectiveness of ODA. This is partly because of the non-availability of the necessary information, the difficulties of being able to perform controlled experiments, and changing conditions and circumstances that cannot always be proxied by econometric variables. Detailed historical case studies are more likely to be useful, but of course it is difficult to generalize from them.

Economists have so far made numerous attempts at finding the key to growth in the LDCs, but there is little evidence to suggest that they have actually found it. This paper reviews some of the keys that have not worked and offers pointers towards a more effective strategy. I do not claim to suggest that there is one single key to growth, but I do think there is evidence that some strategies work better than others. This paper attempts first to establish a relationship between ODA, Foreign Direct Investment (FDI) and policies in the developing countries and then propose a few new strategies so that donors and governments do not repeat the old failures that keep resurfacing time and time again. It ends with the

applicability of these strategies to the countries in transition, focusing on the transformation of Nepal.

There have been two main phases in the search of the answer to growth in the developing world. The first stressed ODA-financed FDI to be the key to unlocking LDCs' development potential. The second stressed ODA-induced policy reform as the key. Neither worked, at least in the case of Nepal and some other LDCs, because ODA neither increased FDI nor induced policy reform. The first key also failed because FDI did not have a tight link to growth in the short run, and not even much of a link in the long run in those economies. Policy, in contrast, has been seen to have a large effect on growth, but ODA did not systematically lead to policy reform. At the end of this paper, I shall attempt to show that the combination of good policy and ODA has been effective in promoting efficient FDI and growth. Thus, donors should target ODA to good policy environments if it is to be effective in promoting private investment in the LDCs.

Before talking about ODA dependency and its effectiveness in the LDCs like Nepal, let me first discuss here the theoretical aspects of ODA and see how they affect growth in the recipient country, and what condition is best for receiving ODA, if there is any 'best' condition. Almost every nation now agrees that to achieve any real development, good policies and governance are irreplaceable, but this has yet to be proven by deeds. Although there is now an increasing coordination among the donor and the recipient countries regarding the poor performance of the conditional (tied) ODA, it has yet to be proven that untied ODA is the best solution for the effectiveness of ODA in the recipient country.

The World Bank, in its 1998 report Assessing ODA, examined the relationship between ODA and growth in a large selection of developing economies and found no systematic association between the two. This finding might raise no eyebrows in many parts of the world where ODA is only a small proportion of the economic resources available to a country. But in LDCs like Nepal, where ODA is relatively large, this finding is indeed an eye-opener. The report found a strong positive association between ODA and growth in countries with good monetary, fiscal and trade policies,

indicating that ODA is indeed effective where economic policies are supportive of growth. The report also found that ODA was not very effective at bringing about an improvement in the policy environment.

But the above findings do not tell all about the effectiveness story. What about the effectiveness of ODA-financed projects? If one accepts that such projects are likely to be ineffective and probably unsustainable in a very poor policy environment – for example a country like Nepal where successive governments have been so profoundly corrupt and incompetent that a highly unstable environment has been the result – one still does not know when they are likely to be effective and sustainable in more supportive environments. To answer that question, one must first ask whether ODA in fact funds the projects for which it is intended. This is not just a question of corruption, although that is definitely a major problem in some countries. But by and large, level, given the scrutiny of ODA by its various donors, it may not be that easy to have significant amounts of it shipped off to Swiss banks, as it is often alleged. It is more a question of fungibility.

How fungible is ODA? Research on this question shows mixed results, but many analyses find a significant degree of fungibility (Dollar, 1998). A study of the fungibility of ODA in 16 African countries (Devarajan et al. 1998) found that almost 90 percent of ODA boosted government expenditures. Roughly half the ODA was used to finance external debt service payments, one-quarter was used to finance investments and the final quarter went into current account spending. According to the same study of the ODA that was used to fund investments in those countries, that used to finance projects in health, industry and agriculture, was found to be highly fungible, that is, expenditures in these sectors by recipient governments did not change despite the availability of ODA for projects in them. ODA to the energy, transport, and communications sectors was partially fungible, while that to education was least fungible.

But these findings do not obviate the need and usefulness of evaluating ODA-financed projects in the host countries, and for two main reasons. First, the studies of fungibility show tendencies

or probabilities in the way ODA impacts on countries. They do not determine the actual impact of ODA in particular cases and, without a case-by-case examination, it is difficult to know exactly when ODA is or is not fungible. But the most important reason for evaluating individual ODA-financed projects is that even if governments would have funded the particular activity anyway, it would be likely that the way the project was designed and implemented would have been quite different because of donor involvement. This is usually the case in the LDCs of Asia and Africa, where donors have taken a particularly assertive role in identifying, designing, implementing and evaluating projects. It is important, therefore, to ascertain whether projects where ODA donors have been involved have been designed and implemented in an effective manner.

A number of donor countries and agencies provide assessments of the effectiveness of their ODA by sector and region. But, usually the evaluation systems of the donors are seldom consistent with one another, although they may show common patterns of performance. In the case of Nepal, these assessments frequently show that ODA projects have suffered very badly, with high proportions of only partially successful or unsuccessful projects and with significant problems of unsustainability, once donor funding is terminated. Particular problems have been evident in agriculture and rural development projects, projects involving the creation and functioning of development finance organizations and projects in the industrial sector.

If some types of project performed better than others in the same or similar policy and institutional environments, what are the factors that affect that performance? There seem to be three key elements that affect the performance of the donor-designed- and-implemented projects typical of those in the LDCs. First is the frequent lack of proven technology for achieving project goals. The donors may know how to build roads or how to organize and help manage elections. But far less is known, for example, about generating a demand for family planning services, helping small farmers expand their production or improving the accountability of newly elected governments. Very little is known about how effectively to strengthen judiciaries, civil society organizations or

the civil service. Yet much of what ODA tries to do at present is activities like these, involving institutional or behavioural change.

Second, donors tend to know relatively little about the societies or institutions in which they are trying to bring about change. Most ODA officials spend a few years in any one country. Few speak local languages and many spend their time in their offices rather than in the field where their projects are implemented. To help bring about behavioural and institutional change in foreign environments, it is imperative that the agents of change be deeply knowledgeable about that environment. This is seldom the case with the expatriate officials or consultants who typically manage ODA interventions.

The third problem involves the domestic and bureaucratic politics within ODA agencies themselves. All of them, even the multilateral ones, operate within a political environment that constrains and at times drives their allocative and policy decisions. Those decisions are thus frequently taken with less reference to what works in a recipient country than to what is required by their own public, their legislature or their bureaucracy. Ethnic and ideological factors, personal relationships, domestic political concerns, bureaucratic processes and the ever-present imperative to spend available funds within given time periods all influence decisions on who gets the ODA, how much they get and how it is used, making the flexible, locally informed interventions needed for the type of ODA-funded activities today ,extremely difficult.

3.2 Dependency on ODA and its Implications

Let us here take a look at some of the propositions regarding dependency on ODA and its effect on development that are to be found in current discourse on ODA. While these propositions are distinct, this school of thought has in common a negative view of ODA, a view that has been termed by some economists as the 'ODA dependency school' (Collier, 1999).

The first proposition is that some poor countries and regions have grown more slowly than others in part because they have received much more ODA relative to GDP than other developing regions.

Bauer (1982) has very strongly argued that ODA reduced the incentive to adopt good policies. The same proposition has been more recently expanded by another group of economists (Kanbur et al. 1999), whose proposition is based on a different argument, namely that large gross flows of ODA project overwhelm the management capacity of poor governments. The second proposition is that the analysis of 'welfare dependency' in poor households carries over to ODA-receiving countries. To elaborate, recent analysis of poor households in advanced countries has established reasonable evidence for a dependence syndrome whereby welfare payments create very high implicit marginal tax rates and so discourage work, trapping recipients into continued need for welfare. ODA dependency infers that poor countries are subject to the same trap. This is also embedded in the commonly used metaphor that recipient governments should be 'weaned off' ODA.

The third proposition is that the enormous increase in private capital flows to developing countries during the 1990s, which has transformed them from a small fraction to a large multiple of ODA, has made it unnecessary and indeed a distraction; governments should focus on attracting private capital rather than ODA. The fourth is that ODA flows, determined by donor fads, are so fickle that they are a source of instability rather than a basis for sustained growth. This view has also been shared as the conventional wisdom in the International Monetary Fund (IMF, 1998). The final proposition is that ODA in any case is doomed: the forces which have recently led to reductions in ODA budgets will continue, so that ODA will rapidly decline in real terms. Managing the transition from ODA dependency has been a subject of recent research among some development economists (Kanbur *et al.* 1999).

In summary, ODA is historically detrimental: the disincentive effect provides a theoretical underpinning for this experience; private, not public capital is important; ODA has been fickle so that it cannot be relied upon as a component of a budget; and in any case ODA budgets are rapidly falling so that governments must learn to live without it. These five propositions have in common the inference that governments should focus upon

adjusting to less ODA, either because large ODA flows for various reasons are detrimental, or because they will inevitably decline.

Let me add here a few of my own comments on the above arguments of the 'aid-dependency school' of thought, while examining the relationship between ODA and FDI.   First, regarding the question of whether ODA has been detrimental, looking at regions like Africa or South Asia that have been receiving huge amounts of ODA for a long time but whose growth is still far from satisfactory by international standards, one can safely say that in most cases ODA has been ineffective because of a massive but readily rectifiable mistake in its allocation. ODA is, and has been, effective in raising growth in 'good' environments and ineffective in 'poor' environments. This result holds whether 'environment' is defined narrowly in terms of macroeconomic policy or more broadly in terms of a wide range of policies and institutions. What one could say in general is that ODA has been ineffective because too much of it has been concentrated in 'poor' environments. The government becomes so overwhelmed by ODA projects that the business of government becomes dominated by the need to satisfy donors, replacing the need to satisfy citizens. Regions like Sub-Saharan Africa, for example, may have suffered from 'big ODA' even if smaller amounts of ODA would have been advantageous.

As regards the second proposition that compares ODA dependency to welfare dependency; it calls into question the theoretical analysis of the 'aid dependency school.' If ODA really had the sort of disincentive effects on poor countries that welfare payments have on poor households, ODA should reduce growth irrespective of the policy environment. Indeed, we might expect that the better the policy environment and so the higher the potential growth rate in the absence of ODA, the more damage ODA would do. However, this analogy with welfare dependency is not only empirically questionable, but also fundamentally mistaken.

First, the scale of ODA relative to income is tiny by comparison with welfare payments. The 'poverty trap' of welfare recipient households commonly involves households for whom welfare payments constitute a large majority of total income and who

thereby face implicit marginal tax rates of 80 percent or more. By contrast, gross ODA flows to highly ODA dependent regions like Africa, for example, peaked at around 12 percent and implicit marginal tax rates were correspondingly radically lower. Alesina and Dollar (1998) analyse the patterns of donor ODA allocation. The donors who most sharply reduce ODA in response to rising incomes are the Nordic group. Usually, their ODA flows start to decline once per capita incomes rise above $600 and are largely eliminated once incomes rise above $1,600. However, since the loss of ODA involved in this policy is only around $3 per capita, the marginal tax rate implied by Nordic policy is well under one percent. Similarly, the American aid agency USAID tapers out its much larger ODA budget, but does so much more gradually. The implicit tax rate imposed by USAID is less than 0.5 percent (Collier, 1999). Other donors are less responsive to changes in income. Hence, the aggregate marginal tax rate implied by donor reductions in ODA as income rises is usually in single digits. Any disincentive effect at the aggregate level is therefore trivial.

One exception to the absence of an incentive effect of ODA is with respect to the behaviour of governments. Directly, ODA accrues to the government and thus it faces an incentive problem vis-à-vis taxation. In the absence of ODA, a government has to balance the political unpopularity of taxation against the political popularity of public expenditure. A dollar of tax revenue has, at the margin, as many political costs as a dollar of expenditure has political benefits. The receipt of ODA by the government does not change this fundamental balancing requirement of political economy, but it necessarily changes the levels of taxation and expenditure at which balance is achieved. Collier (1999) has articulately explained such fiscal effects of ODA using a simple graph.

 Figure 1 depicts the rising political costs of taxation by the T T curve and the diminishing political benefits of public expenditure along the E E curve. The point of intersection of the two curves at E_0 is the equilibrium without ODA. The with-ODA equilibrium, E_a, involves both higher expenditure and lower taxation than without ODA.

Figure. 3.1. Fiscal Effects of ODA

Costs & benefits
  of Taxation
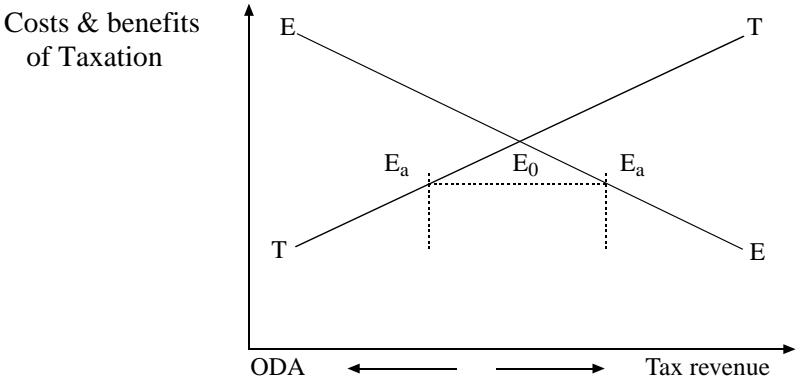
This response is optimal if the political process broadly encapsulated the economic costs and benefits of taxation and expenditure. It infers that ODA would indeed induce governments to have lower taxation than without ODA. The population is choosing, in effect, the benefits of ODA that would accrue to households most efficiently either by means of reducing taxation or through increased public expenditure. One finds it difficult to see this as an incentive problem since it is the solution to a household welfare-maximising problem that is identical to that which faces the donors. Presumptively, donors have no particular reason to prefer ODA to accrue directly or indirectly to households. The reduction in taxation, however, has favourable incentive effects at the household level. The developing countries usually have quite high marginal costs of taxation because there are few efficient tax handles. Hence, reduced tax effort can free households and firms from powerful disincentive effects of taxation. Thus, contrary to the welfare-dependency analogy, ODA improves the incentive environment at the level of the individual agent. A simple extension of this argument is the more familiar debt problem. Debt, which is simply future negative ODA, discourages investment because it constitutes a future tax liability. Hence, it is increased debt rather than increased ODA which gives rise to an incentive problem: the counterparts to welfare households trapped into idleness are firms trapped into disinvestments.

3.3 Relationship between ODA and FDI

Now let us turn to the proposition regarding ODA and FDI. In a globalised economy, it is usually private rather than public transfers which will eventually be decisive in sustaining growth. China has made this transition, receiving around $30 per capita in FDI. India is also on the verge of making it. But, by contrast, in the case of Africa, for example, private capital flows are less than $3 per capita, and so remain dwarfed by ODA flows. The same also holds true in case of Nepal. In these countries, an important task is indeed to increase private capital inflows. However, ODA can be used with a central role as a facilitator to this transformation. The World Bank (Burnside and Dollar 1997) finds that ODA is effective in attracting FDI as long as the policy environment is satisfactory. Indeed, evidence from some developing countries around the globe suggests that far from having become less important, ODA has become more valuable than ever. The reason for this is that several of these regions and countries have implemented sufficient reforms that their macroeconomic policy environments are 'satisfactory' in the Burnside-Dollar sense, i.e. that ODA is indeed effective in attracting FDI if there is a favourable policy environment. However, there also remain some countries where despite, or some might say because of, huge amounts of ODA, the environment is not conducive to investment. There are too many risks involved in undertaking any serious investment. Nepal, for example, falls in this category.

Risk, however, is not the only factor deterring FDI in countries like Nepal. These countries face the severe problem of poor infrastructure. For example, regarding power generation, only 293 MW out of Nepal's estimated 43,000 MW economically viable hydropower potential has been developed to date. As a result, costs of operation are much higher than they need to be and FDI gets diverted into the purchase of generators. Hence, even before allowing for the disincentive impact on FDI, the effective FDI rate could be much higher if firms were free to spend their FDI budgets on other necessary equipment. Similarly, transport costs are usually a major problem, particularly for exporters. Two main reasons as to why transport costs are so high are that the road network is so inadequate and that there are no sea ports in the country.

FDI thus becomes extremely difficult in the LDCs for the simple reason that they lack basic infrastructure. Although they feel the need to improve their basic infrastructure for attracting any significant investment to their economies, they cannot do anything on their own, as they are too poor to provide it. Hence they become extremely vulnerable to ODA, as that becomes essential for the purpose of luring in FDI, which would otherwise not oblige.

This need for FDI has resulted in many poor nations rushing to accelerate the process of FDI liberalization by extending more open policies and permitting forms of FDI entry previously considered less desirable, such as the establishment of fully owned subsidiaries, mergers and acquisitions (M&As) and participation in privatization programs. This has, in turn, provided multinational companies (MNCs) with an ever-increasing choice of locations and they have become more selective and demanding as regards other host country determinants.

The outcome of all this is that while the liberalization of FDI frameworks has contributed to an acceleration of FDI flows, a process of diminishing returns has set in and liberal FDI policy is increasingly losing its effectiveness as a locational determinant of FDI. Competing intensively with one another for FDI and finding that liberal policies are no longer enough; host countries have increasingly come to realize the importance of adopting proactive measures and popular policies to facilitate business transactions by foreign inventors and improving the economic determinants of FDI.

Of equal importance is what is missing from this agenda after evaluating the balance of costs and benefits of various popular policies toward FDI in relation to the economic and political/national security goals that those policies are intended to advance. The use of domestic-content requirements, for instance, to promote backward linkages, industrial deepening, or mere job creation is questionable, and is perhaps best discarded.

FDI projects with high domestic-content mandates seem to exhibit many negative characteristics: high costs, lack in both technology

and management practices, and slim hope of maturing from infant status to internationally competitive operations. They often incorporate a political-economic logic of self-protection that frequently extends retarding host efforts at liberalizing trade and investment more generally.

Another approach not very helpful to the development of the host country is perhaps the use of joint-venture requirements to enhance development objectives such as technology transfer, international market penetration, or development of a robust supplier base. FDI projects launched with joint venture requirements show a high degree of conflict among the partners, suffer from a high degree of instability, and often exhibit older technology, slower rates of technology transfer to the venture, and fewer prospects for exports.

Host countries must initiate many of the most important actions to attract and utilize FDI in their development programs on their own – in particular improving the micro- and macro-economic functioning of their economies and strengthening commercial and judicial institutions that provide stability and dependability to all domestic as well as foreign investors. At the same time policy improvements such as abandoning the use of domestic content and joint venture could also be adopted unilaterally, to the benefit of host authorities in the developing world and economies in transition.

Although public investment is potentially complementary to private investment, it is questionable how effectively it would enhance growth if it were financed through increased taxation. An improvement in roads in Nepal, for instance, financed by higher petroleum prices would initially increase transport costs, since the accumulation of an asset is being financed out of recurrent income, with most of the benefits accruing in the distant future. Hence, a substantial part of the needed increase in public investment usually comes initially from ODA.

Thus, in the circumstances of newly reformed developing countries, ODA needs to taper in ahead of FDI. Burnside and Dollar (1997) established that in good policy environments an extra dollar of ODA increases FDI. As to how this might come

about, ODA improves infrastructure and lowers high taxation, both of which are constraints. The Burnside-Dollar results on ODA effectiveness directly provide a static case for allocating more ODA to those countries that already have satisfactory policy environments. Let me suggest here a more dynamic case for a temporary increase in ODA. There could be three phases in a post-reform environment, the first of which could be called the bounce-back phase, where high growth is achieved by policy reform despite low public and private investment. The second phase is the ODA-dependent growth, where high growth is maintained by high public investment, despite low FDI. And the third phase is sustainable growth, where high growth is maintained by high private investment, with public investment increasingly financed through taxation of the rapidly growing taxable base.

ODA thus needs to taper in before it tapers out in the reformed environments. This produces a completely different pattern of ODA from that envisaged in the old policy-conditionality framework. There, ODA was to be used to induce policy reform, so that most ODA would need to be deployed in those environments with the worst policies. As policies improved, the scope for inducing further ODA reform would gradually diminish so that ODA would taper out.

3.4 ODA and its Future Prospects

The next question is about whether ODA is a source of fiscal instability. With regard to this proposition of the ODA dependency school, even the IMF treats ODA receipts as an exceptional financing item to meet a budget deficit, rather than as a core component of non-tax receipts (IMF, 1998). A likely reason for this is that ODA flows are seen as so unreliable as to be a source of instability. Thus, a safety-first strategy requires that ODA be treated as windfall exceptional financing, rather than as a flow of receipts on which a government can reliably maintain expenditures in excess of revenues.

There are two main reasons why ODA receipts might be unreliable. One is that donors may use ODA to advance a political agenda driven by the political concerns of their domestic electorates.

Although the donors these days provide ODA primarily for development purposes as opposed to the political gains during the cold war era, there are still some cases of donors providing ODA for non-development-related goals like maintaining spheres of influence, promoting commercial interests or garnering votes for favoured issues in the United Nations. Secondly, donor procedures for disbursement may be so cumbersome that, even when funds are committed, there may be long and unpredictable lags before governments are able to utilise them. There are good grounds for both of these concerns. For example, the ODA cut-off to Pakistan when it matched India's testing of nuclear weapons constituted a major fiscal shock that could not reasonably have been anticipated in budgetary planning. Hence, ODA could very well be a source of fiscal instability sometimes, especially in a highly ODA-dependent poor country.

The final question is about whether ODA receipts will continue to decline. ODA levels have clearly fallen in recent years and this has produced an environment of ODA pessimism. Historically, both the US and Western Europe have been through a phase of fiscal retrenchment at the same time: the US, because the budget deficit became a high profile political issue and Europe, because of the need to meet the 'convergence criteria' for monetary union. Not surprisingly, ODA budgets were reduced during this phase. And although the American budget is now balanced and Europe has successfully met most of the convergence criteria, the global economy on the whole is still unstable; especially since the 2001 September 11 attacks. The G8 summit in Canada held in June 2002 rejected, for example, Africa's plea for more ODA. The group of eight merely gave a vague promise to increase funding by $6 billion a year by 2006. This is not even new money, but only half the $12 billion increase of total world ODA promised at the UN meeting in Mexico earlier this year. Even a firm commitment to use half of the world total for Africa was opposed by the US and Japan, the two largest donors in the world. The US was far more concerned with payments to Russia than Africa, and it even got Europe and Japan to agree to add a further $10 billion to double the amount the US is paying to Russia over the next 10 years in the

"global partnership against the spread of weapons and materials of mass destruction." Japan, on the other hand, has made cuts in its ODA spending stressing that it is not a good time for making more ODA commitments, given its own need for fiscal tightening.

Looking at the long span of ODA history, another powerful cause of declining ODA budgets has been the end of the cold war. During the cold war much ODA was used to secure political allegiance, and although there are signs of a similar allegiance at the wake of September 11, 2001, especially with American ODA, much of that now is over, and so the incentive for ODA has correspondingly fallen. This may well account for the fact that in the past bilateral ODA was so unrelated to the policy environment: developmental effects of ODA were secondary considerations to political alignment.

Also the perception that ODA has been ineffective has hampered any substantial increase of ODA money. Paradoxically, this view has become prevalent at just the time at which research has identified the circumstances where ODA is unambiguously effective, namely, a reasonable macroeconomic policy environment. In the past, partly because ODA was allocated according to political agenda, it failed to reflect this policy environment. If donors were to persist with such ODA allocations, the gradual accumulation of evidence in the ineffectiveness of ODA would continue to undermine the basis for ODA budgets: ODA would decline simply because it was a waste of money. If, however, ODA becomes increasingly concentrated upon satisfactory policy environments, then, not only would its effectiveness demonstrably increase, but also the concentration would itself increase the flow of ODA to the post-stabilisation countries. Conditional upon donors channelling ODA to those areas in which the policy environment is already satisfactory, instead of the attempt to use ODA to induce reform where policy is poor, there are reasonable prospects for rising ODA flows into satisfactory policy environments.

3.5 ODA and Nepal's Development

This section deals with different issues relating to the ODA provided to Nepal by different bilateral and multilateral sources, and looks into what role this has played in the country's economic development as well as at what implications this has had for the lives of the average Nepalese.

From its beginning in the 1950s, ODA increased in the following decades to a level where disbursements constituted around 80 percent of the development budget in the late 1980s. Such a high degree of ODA dependency was not without domestic political implications, and in the last decade of the one-party Panchayat period (1960-1990), there was a tendency to see in the domestic political debate a relationship between the dominant powers in the country and ODA. At the same time, government projects were by and large unable to reduce poverty. 'Development' through ODA essentially became a metaphor for the maintenance and strengthening of the traditional native power structure. Certain social classes played a decisive role in determining both the content and the channel of the aid inflow. The upper social classes derived the major benefits from foreign aided development. As a result, ODA enhanced the position of the upper social classes, who benefited from the maintenance of the existing system of political and economic power. The need to legitimise such a power gave foreign aided development the halo of a 'people-oriented development' while at the same time increasing the dependence of the lower classes.

The political picture has changed since then, some claim, as a result of the above-mentioned contradiction, while others assert that it was helped by donors' support to democratic development. In spite of the political changes, however, ODA continues to constitute a very large share of the development budget. But despite this significant inflow of ODA, it is the general feeling in Nepal that ODA channelled through government line ministries has not resulted in effective poverty reduction. Even the large ODA for agriculture has not resulted in acceptable growth in agricultural production.

To get a true picture of ODA and its relationship to development in Nepal, one has to go beyond mere trends and financial dimensions and look at other aspects of this relationship. Because Nepal has been depending on ODA for so long and so heavily, it has affected the entire thought processes of important societal agents concerning development. It has deeply affected not only the values assumed by the society but also the functioning of the democratic polity and the development of a responsible civil society (Panday, 1999).

During the Panchayat period, ODA played a big role in the disillusionment of the people with the political economy. The rulers locked themselves in an aid mentality in such a manner that they not only craved more ODA but also emphasised this aspect in official propaganda. Getting more ODA from friendly countries and international institutions abroad, including international non-government organisations became an end in itself. Those who did not benefit from ODA felt cheated, reinforcing their suspicion that the money was being diverted to enrich a few in powerful positions. Dependence on ODA continued, so much so that in the end—according to some critics—it even contributed to the collapse of the regime.

What is more disheartening is that even after the advent of 'democracy' in 1990 and with a multiparty system under their belts, the main agenda and doctrine of successive government leaders retained ODA, and even their daily activities were seen to be overwhelmed by it. A prime minister's main achievement was recorded in terms of the number of ODA agreements signed and the amount of aid received. Even the largest political parties, with a long history of commitment to democratic socialism, were often seen wielding ODA as a weapon, both when in or out of power. When in power, they sought legitimacy in an increased flow of ODA into the country, not in the support of the people. When out of power, they tried to use ODA as a measure of their opponents' failures, in the hope that donors would shun their rivals. Concern for the general public rarely figured in this picture.

This excessive dependency on ODA becomes clearer if one looks at some of the latest ODA figures. Loans and grants together have

consistently financed almost 60 percent of development expenditure in recent years, with the share of grants larger than that of loans. The increase in foreign loans as a source of financing government expenditure began in the 1980s with the introduction of structural adjustment lending by multilateral institutions, accelerating the process of dependency. Among the five largest countries of South Asia, Nepal is the only one where ODA as a percentage of GNP has been consistently high since 1980. Per capita ODA to Nepal was US$19 in 2003, second highest in the region, while Foreign Direct Investment (FDI) was the lowest in the region (Table 1).

Table 3.1: Per Capita ODA and Total FDI in South Asia (2003)

Country	Per-capita ODA (US$)	FDI (Million US$)
Bangladesh	10	102
India	1	4,269
Nepal	**19**	**15**
Pakistan	7	534
Sri Lanka	35	229

Source: World Development Report (2006). The World Bank

As for the development of the private sector, although governments after the 1990 movement gradually promoted the private sector, their policies were not clearly or consistently reinforced by subsequent governments. Little was done to address fundamental issues, like loss-making public enterprises and a highly bureaucratic administration. The lack of clear signals to the private sector about the extent and nature of policy reforms, as well as the inconsistency of these policies, resulted in an uncertain financial environment. In the meantime, practices like a high level of non-performing loans, excessive government involvement in the banking sector, weak corporate governance and organisational culture and unwanted political interventions, to name a few, continue even today. There is an urgent need to undertake important measures to strengthen and deepen the financial system. After all, a competitive, efficient and healthy financial system is

vital for enhancing growth, efficiency and maintaining the stability of the economy.

There are several other apparent 'failures' of successive governments after 1990 that led, one could argue, to the successful launch of the Maoists revolution. The following points stand out as mistakes that need to be avoided at any cost if we are serious about bringing about a real revolution in the coming days: centralisation in Kathmandu of both government and private structures; rampant corruption and abuse of authority by bureaucrats and politicians; exclusion of large sections of the population from having a voice in policy and programme development; failure of donors to scrutinise the use of their funds and ensure effective coordination of their activities; and a lack of ethics among the business communities.

3.6 Impact of Insurgency on the Economy

The Communist Party of Nepal-Maoists (CPN-M) launched its armed insurgency in 1996, after the then government turned down its 40-point demand. In a booklet published in 1998, the party outlined its objectives, stating that its goal was to usher in self-reliant, independent, balanced and planned economic development through a radical, land-reform programme and national industrialisation. Since then and until the November 2006 signing of the peace accord between the Maoists and the government, it is estimated that more than 15,000 Nepalese lost their lives, and another 200,000 were internally displaced. The insurgency had a heavy impact on the country's economy and business sector. Although a serious study on its real impact is yet to be done, one estimate suggested that the economy had lost about $800 million in GDP already by 2002 (Dhakal and Subedi, 2006).

Now that the euphoria of the peace deal is almost forgotten and that the country is heading for its first ever elected constituent assembly, which will carry the responsibility of rebuilding a 'New Nepal,' the foremost task of society is to identify and support the actors who will take the leadership role in this reconstruction process. They have to decide on what to do first when everything is a priority! It is indeed a daunting task for any party to shoulder this responsibility, but we cannot afford to do otherwise.

It is of utmost importance that Nepal needs a new policy agenda in post-conflict reconstruction. The reconstruction will require growth, which in turn will require private-sector investment. But it is an effective state that can provide the environment for investment, and to attain this environment, it is paramount that individuals and agencies take active participation in their respective societies. We need to thus consider different dimensions of reconstruction.

Post-conflict reconstruction does not mean that we should be rebuilding the past. As discussed earlier in the paper, past policies, institutions, and investments were often not the best prescriptions for development or political stability, but instead generated grievances among those left out of the 'social pie.' It is a lot easier to rebuild shattered infrastructure than it is to change institutions and to make them effective and accountable to the majority of the population—but it is the latter challenge that must be met for a durable peace.

Reconstruction cannot work without economic policy reform: policies that thwart investment by communities and the private sector must be reviewed and changed. Creating better public expenditure management so that public money and aid can be channelled into the highest return public investments should get a high priority. Privatization is important for reducing the fiscal burden of inefficient state enterprises, freeing up public money for redeployment in the social sectors such as education and health, and for improving the delivery of essential services to support and encourage community and private-sector investment. Equally important is securing the access of poor communities to land and other natural resource capital (forests, fisheries etc.) upon which their livelihoods depend, and managing the allocation of natural capital to large (and often politically powerful) investors in a transparent manner that protects the rights of the poor as well as the public interest.

3.7 ODA and Transformation in Nepal

In short, the general perception among the Nepalese is that foreign aid has made life more pleasant and rewarding for a limited few and that it has done little to promote the production of wealth, or to

breed political responsibility, or to encourage people to help themselves. By doing so it has allowed successive governments to avoid correcting their mistakes.

Judith Tendler's 1975 observation remains true even today, at least in the case of Nepal:
A donor organization's sense of mission, then, relates not necessarily to economic development but to the commitment of resources, the moving of money…..the estimates of total capital needs for development assistance in relation to supply seem to have been the implicit standard by which donor organizations have guided their behavior and judged their performance…the quantitative measure has gained its supremacy by default.

In order to transform this nation into a 'New Nepal,' all the stakeholders need to reform themselves, starting from the political parties to the donor community. The stubborn and un-reforming attitude of the political parties is being assisted by the 'business as usual' attitude of the other stakeholders. AID cannot be blamed for all the mistakes made in the projects it bankrolls. However, by providing a seemingly endless credit line to governments regardless of their policies, AID effectively discourages governments from learning from and correcting their mistakes.

3.8 Conclusions

The role of ODA and its relationship with FDI and economic growth in developing countries has long been a hotly debated subject among economists and critics alike. We have seen in this paper that despite long and numerous attempts to find the key to growth in the poor economies, there is little evidence to suggest that the key has actually been found. This paper reviewed some of the keys that have not worked and offered some new propositions regarding the 'aid-dependency syndrome' seen in many of the least developed and ODA-dependent economies around the globe.

With regard to the 'aid-dependency school' and its belief that ODA should rapidly wither to an inglorious past, I have offered my own arguments on each of its propositions. One argument, concerning high ODA having been the cause of slow growth in the LDCs, led

to the conclusion that that is the case applicable only in those economies where there is excess of ODA despite unsuitable environments for ODA effectiveness, and Nepal fell in this category. However, this need not be the case everywhere; indeed, in most of the developing countries, subject to a satisfactory policy environment, ODA may actually raise the rate of economic growth before remarkably high levels of ODA are reached. Also the argument that ODA has a disincentive effect analogous to welfare dependency was found wanting since there might indeed be positive incentive effects arising from reduced distortionary effects of the system.

Regarding the claim that ODA detracts from private investment, I have argued that in economies with recently reformed policies and sound environments, ODA has a vital role to play, both in sustaining economic growth until private investment increases and in leading-in private investment. It is true that in the case of countries like Nepal, this argument may not hold, but it has generally been the case in most developing and newly developed countries. I have also shown, however, that the liberalization process of investment policies is increasingly losing its effectiveness as a locational determinant of FDI. It is of extreme importance to the LDCs to evaluate the balance of costs and benefits of various popular policies toward FDI in relation to the economic and national security goals that those policies are intended to advance. This leads to the next proposition of the 'aid-dependency school' that ODA flows are so fickle and unreliable that they are too risky to include as a core component of the budget. We saw that this indeed has been the case in highly unstable and ODA-dependent countries or where the interest of the donors has lain more on political than purely economic reasons. As for the final claim of the school that ODA is doomed to decline because of continued contraction in donor budgets, I have argued that provided that donors channel their aid money to economies in which policy environments are already satisfactory, there are reasonable prospects for rising ODA flows in those environments.

As for Nepal, the discussions in this study may not have been enough to get a complete picture of its economy, but one thing that has been clear is that there remains a lot to be done to bring about

the necessary changes to uplift this fragile economy. In other words, Nepal's development world seems to be in desperate times. Overwhelming needs, impending crises and unachieved goals have been dominating the agenda for quite a few years. One has only to look at some vital sector statistics of the country's social and economic structure, and the picture becomes clear.

The analyses concerning ODA do not offer us any satisfactory results either. What they show us instead is that there exists a huge gap between the theoretical concerns and the reality of the impact of ODA on the country concerned. That could be the reason why there are some academic critics of development projects that point to methodological or theoretical weaknesses being deflected with the counter charge of a lack of realism by the development practitioners.

This is where the question of the donors' role comes in. Although there have been some occasional grumbling recently from some of the donors regarding the handling of ODA (France in 2002 temporarily removed Nepal from its priority list of ODA-receiving countries), there does not seem to have been much discussion going on among the donor countries themselves regarding this issue. It looks like the donors are struggling with their trial and error approach and in doing so their manifest role is becoming less clear or agreeable. They suffer from two major problems. First, there is a profound lack of coordination among them as a result of which they are not satisfied with one another. Even the World Bank has mentioned this in its report (CAS 1999-2000) stating that "lack of donor coordination" is a major risk in the process of development. Second, there is an increasing inability to establish a framework of cooperative coordination with governments in the recipient countries. As a result, they are less satisfied with what they do and achieve while working with these governments. So they blame the state for its continual ineptness and lack of performance. In return, the state blames the society and its politics that the donors fail to appreciate; and the society blames both, the government and the donors. It seems that the ruling class and the donors need each other to defend their action and inaction, but they cannot work together to produce a lasting impact on development!

As for FDI, which has been identified as one of the potential factors believed to have a conceptual capacity for reducing poverty through the better utilization of available resources, for building up the much needed infrastructure and for availing employment opportunities to the locals, ultimately assisting overall improvement of the country's foreign exchange reserves, one feels that there is still a long way to go to achieving these goals. Although Nepal has come up with some attractive incentives such as tax holidays, including tax-free export and duty-free import of raw materials, plus cheap labour, the above discussions show that there exists a serious fallacy either in policy matters or implementation stage or both. There may be some positive correlation between FDI and employment, but that alone is certainly not enough to keep the investors interested. What one really needs is a healthy and conducive environment to attract any serious long-term FDI.

Efforts to promote FDI may go amiss if its structural weaknesses are not taken care of at the proper time. It has been felt for a long time that for boosting FDI, the country needs to identify manufacturing and service sectors with potential other than tourism and hydropower. These have to be supported by updated and transparent legal and regulatory frameworks. Sorting out the administrative hurdles and providing political stability must boost the credibility of government policies. This is the least the government could do, if it is serious about increasing FDI in the country.

One should ask whether the arguments presented in this paper conform with or contradict accepted wisdom. In other words, how do they square with the two polar views in this field discussed in at the beginning of this paper? One view being that promulgated by Pronk (2001) who claims that aid-financed investment and aid-induced policy reforms are the keys to unlocking the recipient country's development potential and that ODA acts as a catalyst for development. The other view being that of analysts like Bauer and Kanbur et. al., who strongly argued that foreign aid reduces the incentives for the recipient nations to adopt good policies and overwhelms the management capacity of the governments of poor countries. In Nepal's case, I have argued that the results so far

corroborate the view expressed by analysts like Bauer and his school of thought, i.e., Nepal has sadly fallen in the trap of the 'aid-dependency syndrome'.

Let me end with some comments about a remark made by the World Bank in 1979, in which it stated that "the country is caught in a vicious circle of poverty, and difficult as it is to break this circle, the next five to ten years may represent Nepal's last chance to do so without having to become completely dependent upon the goodwill of aid donors." By suggesting more than two decades ago that Nepal had no more than five to ten years to change course in the positive direction before it approached a status of a country 'completely dependent upon the goodwill of aid donors', the experts at the Bank perhaps thought that its warning would be sufficient to get the results it wanted. But almost three decades later, as far as the ruling classes are concerned, the country is moving along in its substantively business as usual mode. As for the concerned experts in the Bank, it will be interesting to know whether they now see Nepal as being at the mercy of the donors as it predicted, or as a case of a country, which has pulled itself through by virtue of the 'miracles' of the market place. There may be some who wish to argue the latter case, but I, for one, see no such miracle happening, as I have argued in this paper. The character of the country's dependence may not have changed much in material terms, but the psychological effect and the political price to be paid by the government and the people may soon become unmanageable. The 1979 prognosis cannot yet be considered a thing of the past. In 2007, the situation looks to have become worse, and one wonders if foreign aid can play any positive role in the transformation of this country.

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CHAPTER 4

Transformative Politics and Women in Nepal

Renu Rajbhandari

4.1 Introduction

After the success of people's movement 2005/2006, Nepal has entered a Transitional phase in its politics. Nepali people have finally been recognized as free citizens of Nepal, rather than as "*Raiti* (subjects) of the Nepali King". This transition was made possible by the continuous struggle of the Nepali people. The desire for peace and their desire to live the lives of free citizens by the people with all their inalienable human rights were central to the success of this movement. It should not be forgotten that the Twelve years of violent political conflict, which took the lives of more than 13,000 Nepali people, has accelerated the process. With aspirations to be free citizens, hundreds of thousands of people from almost every district of Nepal came to the streets to overthrow the autocratic regime, regarded as the main cause of conflict and social injustice. Although people of Nepal were frustrated and tired with the undemocratic working style of the so called mainstream political parties, they still appealed the 7 major political parties to forge an alliance with the CPN(Maoists) and lead the movement to fight against the King's autocratic regime. After the success of the people's movement, 7 political parties and Maoist were mandated by the people to form a coalition interim Government. The mandate given to 7 parties and the Maoists to rule the country was conditional. The conditions imposed on them were to fulfill the following non-negotiable agendas:

◊   Declaration of Nepal as a democratic Republic.

◊   To hold an election for the Constituent Assembly, by ensuring people's rights to write their constitution themselves.

◊   To give all marginalized groups their proportional representation in accordance with their population) in all structures of power by restructuring the state machinery.

These issues were underlined as basic needs for peace with social justice in the country by all stakeholders. With these mandates, the parliament dissolved earlier by the King was reinstated. A new Government was formed with the country now ruled by peoples' representatives. Nepal entered its transformative political stage. At this moment, it was most important for all political parties that they do not forget the mandate given to them by the people to prepare the country for the Constituent Assembly elections. However, parties for long failed to meet the people's aspirations. People's demand to form an inclusive Government, whereby every citizen in the country can feel included, has been largely ignored. Women who constitute more than fifty percent of the total population have been left out. Similar situation can be seen to prevail among *Adibasis*, *Madhesis*, *Dalits,* and the others. Government has given ample evidence to prove that even after the movement; there is no change in leadership, working style and in the institutions and the power structures within which the government operates. This has created a difficulty to order a smooth transformation in the country as desired and demanded by the popular movement of 2005. This situation requires an urgent analysis and a plan of action to correct by all political parties themselves. Only an immediate action by them can demonstrate that political parties are really serious and committed to transformation and bring peace with social justice in the country.

4.2 Background of Conflict and Beginning of Peace Process

The country was ruled by an autocratic monarchy during the last 238 years. Giving voice to the aspirations of the people for a democratic rule in Nepal, political parties have launched resistant movements in the people-supported movements since 1950's. However all movements ended with compromise between political

parties and the King[32]. The role played by foreign countries has led the movement to end in a compromise always. This compromise has saved the Shah Kings to continue the rule of their dynasty. 1990 People's Movement can be taken as a recent example of this. The 1990 people's movement can be seen to be curtailing some of the powers of the King and establishing democratic norms and values in the country. It should not be denied that 1990 movement opened a space to the different marginalized groups demanding their political rights and justice for the first time. The people's movement of 1990 should also be seen to be an example of how Governments cannot become truly democratic when movements end in compromise. In 1990 people from all castes, classes and gender came out to the streets asking for democracy. It was led by the Nepali congress and the *Samyukta BamMorcha* alliance. Although the movement succeeded, it ended in a compromise between the three players: Monarchy, the democratic forces, and outside powers. So, in the end, it ignored the peoples' desires and aspirations. Nevertheless, it did lay some foundations for democracy. The King was forced to delegate some of his power (in a small way) to the democratic parties. The democratic political parties then divided up their power amongst themselves according to their size (according to the number of votes they received in the general elections). These parties largely ignored the women, the *madhesis*, the *dalits*, the disabled people, the homosexuals, people from remote areas, the poorest of the poor, the *Janjati*s, and the others in power-sharing. Largely, power rested with people of the same class, caste, gender and the groups who were used to ruling the state without the participation of others. Denial of right to the people to participate equally in all state structures by mainstream political parties (which is primarily dominated by urban men from the higher and middle class *Brahmin* and Kshatriya castes), ultimately made the political parties weak. Rampant corruption, practice of Nepotism and an authoritarian style of work by political leaders in the Government formed under them further weakend the political parties. It led to more conflict that turned in the end into a violent political conflict of 2005.

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[32] Arjun KARKI AND David Seddoned .The people's war in a historical context. Adroit publishers, Delhi, 2003.

King Gyanendra seized power when the so-called democratic rule was just 12 years old by assuming all powers of the state to himself. The king and his nominees in the government violated all human rights of the citizens. People got tired of The King's move to curtail the citizens' rights to speak and assemble freely. Every citizen of Nepal became eager to get rid of King Gyanendra's autocratic regime.

Responding to this situation, the seven political parties forged an alliance with the Maoist Party, who until that time were an underground party engaged in conducting a people's war. The Civil society 100 played a crucial role in bringing these political actors together. An agreement was reached between seven parties and the Maoist party in the form of a 12- point agenda in New Delhi in November of 2005.

This agreement provided both an opportunity and a platform for the oncoming popular movement-2. The movement set itself to achieve its set goals outlined in the 12-point agreement

Agendas were set for launching the movement with the participation of hundreds of thousands of people. The signing of the 12-point agreement marked the beginning of a peace process in Nepal. All marginalized groups and women associated with the various political parties and groups were sure that in the new political set up all marginalised groups would be represented in a proportional way; but, this has not happened. Although people did succeed in bringing down the authoritarian regime of King Gyanendra, (his power is now suspended), the authoritarian behavior of the political parties has not changed, so that, peoples' wishes for power sharing remain not addressed. The denial of proportional power to the women hurts them more, because they have suffered from multiple forms of marginalization. The incidences of violence against women at all level fail to get proper attention. Due to a growing culture of impunity, which has continued even after the success of the historic people's movement-2, the offenders of violence continue to be exempted from punishment. Women's get raped, abused and tortured. Women seem to be getting even more marginalized and abused these days.

A high level Commission was formed to investigate into the atrocities committed against the people during the 19 –day people's movement, but it failed to order investigation of atrocities committed against women pointedly. The commission, in fact, was given very limited mandates. Parliament gave mandate to the commission to look into the case of atrocities committed only within the 19 day period. This left out the cases of rape and other forms of sexual violence committed within and outside the police custody before and after the 19-day popular movement. The composition of members, in the commission was dominated by men, and women victims didn't feel comfortable to talk with them. So, abuses and atrocities committed against the women couldn't be brought to light. The interim parliament had relatively a higher number of women parliamentarians. But, surprisingly the parliament didn't even think of establishing a high level commission to look at the violence committed against women. As a result, even after democracy, victims of violence keep continuously suffering; more cases of violence against women are being reported. The State has failed to create support mechanism for women. It will never let sustainable peace and social justice; which all the political parties are reciting as a mantra at this moment, to be established. A peaceful and socially just Nepal is one of its dreams. A year has passed without much progress in the peace process, and government activities are getting more and more questionable. Although a substantial period of the peace process has already passed, it is not yet too late to correct the situation and take the right path, provided that the political parties are serious about their commitments. Ensuring women's proportional participation in all stages of the state's restructuring process is among the various corrective activities which the Government needs to take at this moment. This article largely focuses on why it is necessary to include women in all of the processes of transition, what the challenges are for accomplishing this, and how this can be consummated from the women's perspective. This article has several limitations; however, I feel that it will help to push forward the contemporary developmental and political debates on this issue.

Women and their Role in Transformation

Women have played key roles in making the people's movement successful. History has evidenced that women in Nepal have taken a lead role in all the political processes in the past. In spite of the women lending support to movements geared towards political and socio-political transformation, women have been continuously marginalized even after the success of these movements[33]. Women are acting only as tools of their own political parties. The stereotypical roles of the women are getting reinforced even within the movement. Strong patriarchal values enshrined in all political parties never provide any space for women to take on leadership role. As a rule, conflict can not be transformed into a sustainable peace in the absence of an active and egalitarian society, minus inclusive and democratic structures, and without an open and accountable government. These can not be established without a proper representation from the marginalized groups and from women in all these marginalized groups at stage of peace building. Women are affected by gender specific violence, which is an outcome of a feudo-patriarchal nature of governance. Women alone have the ability to understand the structures of violence directed against them, since they have the necessary experience borne of relationships for their subordination and abuse. From experiences women know which institutions and structures of power need to be changed immediately. Similarly they also know how a particular power relationship can be changed. This only contributes to conflict transformation and reconciliation considerably, which ultimately would lead the state to turn conflict into peace. In this situation it is necessary for the Government of Nepal to involve women in all stages of peace building and to make their voices in the peace process heard.

3.3 Transformation from the Women's Perspective:

Feminist activists around the world have defined transformation from different perspectives. Their perspective largely depends on the political reality of the place where they live. For example,

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[33] Hisila Yami- Janayuddha and Mahila Mukti(women's liberation and people's war)- Janadhwani Publishers, 2063(edition)

feminists from the countries with functional democracy mainly focus on gender equality and the transformation of gender relations. Their vision of transformation highlights the change in the roles of the male and elimination of all gender based violence[34]. On the contrary, those feminists who recently struggled to establish democracy have analyzed transitioning from a broader perspective. For them, the notion of equality applies to all class, caste and race relations, and not just to gender relations. For them all gender based violence needs to be eliminated; however, according to this analysis elimination of gender based violence presumes transformation of all institutions, values and processes required for that transformation first. These feminists examine gender based violence by analyzing macro politics. It has been categorically established by these groups that North-South relationship impacts on power relationship, structures of power, and influence even gender relationship. Hence, all this also needs to be considered. For women in these countries, elimination of gender based violence would mean an end to other forms of violence, such as war, militarization, and economic exploitation, among others. In the Nepalese context it is very necessary to look into gender equality from a broader point of view. It is necessary to look at gender relationship and its intersection with class, caste, region and its urban-rural context. For the Nepalese feminists, elimination of gender-based violence is a key issue at this moment; however, we have understood by it that gender-based violence can not be eliminated without transforming all institutions, structures of power, and values first. For the feminists of Nepal, transformation involves not only bringing women into politics, or giving them positions at decision making levels; but it also means ensuring women's right to means of production, and their involvement in education, health, food security and in other such areas. It should be made the dominant agenda of all political parties as well as the Government. It is not just getting political positions within the same structures which have been dominant for centuries and been responsible for all forms of discrimination to women. Rather, it is a conscious effort to transform them.

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[34] Jaccqueline, Pitangroy, 'Governence, Citizenship and political participation, NGO Forum', Huairou, China,September 3,1995

Why Political Participation of Women is the Key to Attaining Sustainable Peace?

Jacqueline Pitanguay has said:

> "We women want to use power to transform in the sense that certain issues and values, such as education, peace, social justice, equality, health, became dominant topics of the political agenda-we are... [achieving] power not only by supporting women to take leadership in the existing power instruments, but also, and mainly, trying to transform them. Yes, we want to make women's voices heard but, most of all, we want to break the ghetto and bring the gender perspective to all social, political and economic issues to all voices."

(Jacqueline Pitanguay, Plenary Session on Governance, Citizenship and Political Participation, NGO Forum, Huairou, China, September 3, 1995)

Women's role during political transition has always been a crucial one. Political parties and the Government formed by them ignore this fact. Violation of human rights on the basis of class, caste, gender, physical ability, ethnicity, geographical location, and a person's position in society are some of the root causes of conflict in any country. A country such as Nepal, which is going through a peace process after a period of conflict, needs to seriously address issues related to any kind of discrimination. Throughout the process, it is necessary to address and transform the structures, which have been identified to be discriminatory. Principles of democratic participation, human rights and gender equality which is built on social justice and equality for all need to be practiced strictly in order to attain a long lasting peace. This requires transformation of systems relating to access and distribution of resources, together with transformation of social and political institutions, situations and relationships.[35] Since women constitute 50 percent in all in the above mentioned groups, it becomes imperative to ensure proper gender perspectives in all activities

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[35] Women's role in transforming Approaches to Conflict, Resolution at the National and Regional level, Women Politicians: A Global force for peace- Ms. Eugenia Piza-Lopez, Head , Policy and Advocacy Department- International Alert

which have an objective of peace building. In a country like Nepal, with one of the lowest HDIs, and where rampant discrimination is a root cause of poverty, peace will not be sustainable without first addressing pervasive discrimination that are institutionalized in our social practices, and existed for centuries as a result of the feudal-patriarchal authoritarian regime. It has shaped the mindset of all people working under the existing structures in Nepal and all policies evolved there of. Peace building process has given space to Nepal government and society to analyze deeply and identify structures which need to be changed. The feudo-patriarchal and autocratic regime of Nepal in the past has been instrumental in the genesis of all forms of poverty, use of discrimination, and violation of human rights of the Nepali people. Identification of problematic institutions during the conflict period in Nepal and aspirations of the Nepali people for peace by transforming these institutions into more egalitarian, democratic and accountable structures should be taken as a positive outcome of the armed conflict in Nepal. Now, it is up to the SPA and the NCP (M) led Government to decide how they intend to do it.

In the peace process, it is very necessary that people who had been marginalized from centuries gain power. This is especially necessary during the transitional period. According to this line of reasoning, women should have power because they have been marginalized since long and due to this fact, they have proper understanding of structures responsible for their marginalization and discrimination. When they get power they will use that power to transform those structures and institutions which is a prerequisite for the establishment of peace with social justice. Without the meaningful participation of women in these social structures, liberation and equality alone do not carry much meaning.

Women who believe in the transformative dimension of equality argue that equality can not be achieved without the proper transformation of dominant political values, processes and institutions. For example, the transformation of values would mean a shift from power as domination to power as liberation; from war and conflict to peace; from efficiency considerations to equality and equity; from growth to sustainability; and from "winner take it

all" norms to sharing and caring. The transformation processes of governance imply, for example, a change from hierarchies to participation; from corrupt to cleaner practices, to transparency; and from burdensome imposition to empowering. Similarly, the transformation of institutions is visualized as coming from the top down with bureaucracy becoming more egalitarian, responsive and accountable[36]in functioning.

The feminist vision of transformative politics highlights gender equality as well as the transformation of existing values, processes and institutions (See Box 1). [37]

Box 4.1: The Feminist Vision of Transformative Politics	

1. Equality
    a. gender parity
    b. gender balance
    c. shared power and
    responsibility
	3. Transformed processes
	    a. participatory
	    b. empowering
	    c. transparent
	    d. non-corrupt

2. Transformed values
    a. equality and equity
    b. peace
    c. sustainability
    d. service
    e. sharing
    f. caring
	4. Transformed Institutions
	    a. egalitarian
	    b. responsive
	    c. accountable [38]

It has been widely recognized that the Institutions, Structures of power and Values established by the systems of Governance of Nepal in the past were corrupt, discriminatory, unsustainable and authoritarian in nature. This has been identified as the root cause of all conflict in the country. Hence it becomes imperative that these systems of governance be transformed. To transform these institutions, participation of women at decision making positions

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[36] Chirstine Pintat ,A Global Analysis: What has worked for women in politics and what has not? Paper presented at the Second Congress of the Global Network of women in politics held in Manila, The Philippines, 28-30 august 1998

[37] Rounaq Johan ,The practice of Transformative politics- - Columbia University.

[38] ibid

within all political parties and Government becomes essential. It should be noted that women's participation in decision making positions needs to be carefully thought out and balanced. It is necessary that women get positions of power as their counter parts on an equal basis. Together with this, it is also necessary to include women who believe in transformative dimension of equality and have clear understanding of how power gained by women need to be utilized without being manipulated by people in the old structure of power and institutions. For us women, it is very necessary to be clear on how we use such a power. Power should not be used as an instrument of dominance and exclusion ever, as it has been done in the past. It should rather be used as an instrument to achieve new liberation and Equality.

4.4 Challenges Relating to Transformation from the Women's Perspectives in Nepal

There are various challenges facing women who want to play key roles in the transformation of Nepal. To realize these transformations, the following challenges can be taken to be the key challenges:
 * The challenge with regard to redefining politics[39]
 * The challenge posed by globalization and global governance
 * The challenge of genderizing the civil society
 * The challenge of sisterhood

Redefining Politics

Nepal has been ruled by an authoritarian regime that was responsible for shaping the Nepali socio-political and economic structures, as well as its political parties and its civil society. Similar situations can be seen to happen within the academia and the other sectors of the civil society. Dominated by the feudal-patriarchal structure and by the Hindu religion, Nepal's politics has

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[39] Jurgette Honculada , Agenda for the Dawn of a New Millennium: Gender and Transformative politics (Paper presented during the Second Congress of the Global Network of women in politics- from Rhetoric to Reality: held during 28th-30th of August 1998 in Manila , cosponsored by CAPWIP and the United Nation's Development fund for women(UNIFEM)

largely ignored women's voices. Women's voices have been continually suppressed under the feudal-patriarchal framework of the society. This is ample evidenced by analyzing the movements for political rights in Nepal. These movements that were initiated to overthrow the authoritarian regimes have drawn in massive numbers of women both for peaceful resistance as well as for the armed struggle. The participation of women in the Maoist movement as part of the People's Liberation Army can be taken as an example of this.

Inclusion and mobilization of women during the 1991 people's movement was quite substantial; but with the success of the movement, they ignored gender issues completely, and restricted full participation of women. The decision making process serves as a good example to understand the attitude of political parties towards women. Similar trends are being observed following the success of the 2005/006 people's movement. The ratio of participation by women in government structures, interim constitution drafting committee, and in the newly formed constitutional and legal committees, makes the Government's and the political party's attitude towards women quite clear. Women's participation determined the success of the popular Movement-2, and during the People's War, also women's participation in the armed struggle proved to be decisive. Yet Government actions to date, including even the Maoist party's policies, continue to make gender concerns a low priority. Women who have suffered a great deal of violence continue to do so even now. There are no support mechanisms which have been established or commissions which have been formed to investigate and provide support to these women. Participation of women in the peace building process has been largely ignored. Policies, programs and structures established after the democratic movement fail to give adequate representation to women. It has become a practice, save when pressure from outside organizations is created; the Government does not even consider women's issues as issues. This phenomenon clearly demonstrates the unfavorable attitudes of political parties towards women. Additionally, a 15-year long practice of liberal democracy by the government before the People's Movement-2 still denies the women from playing their viable roles. It is because, the same political parties, and the same people within those political parties,

are in power and their mind sets continues to be the same. This created a real challenge for transforming the values, politics and institutions necessary for ensuring equality. Similar attitudes can be seen to dominate the social and human rights movements of Nepal. This constitutes a prime challenge in the transformation of politics which is a necessary precondition to have for a sustainable peace in Nepal. Without changing the century long established "transformation processes" of social justice, transformative politics can not be successful. This process can be established only when the institutions responsible for this are ready to be transformed in their values, their commitment to actions, in their intent to attain equality. At this moment, this has been lacking in the Nepalese context. The political parties who are mainly exercised in establishing peace through transformative politics are only repeating their rhetoric rather than turning these into a reality. In order to establish peace, present definition of politics needs to be redefined. This needs to be redefined from the people's perspective. Because of the dominance of the leaders who were groomed under the authoritarian regime and were socialized in feudo-patriarchal values, it seems quite a big challenge to have at this moment.

The Challenge of Globalization and Global Governance

In today's globalised world not a single country can stay alone. The world has been converted into a global village. Influencing Politics of developing countries by powerful countries and global power structures has become a common practice today. This is true in countries like Nepal, whose economy is quite weak and the national budget is largely dependent on foreign aid. Geopolitical situation of Nepal also demands to have a good relationship with its neighboring countries.

The Politics of Nepal tends to get affected and influenced by the Indian politics. Nepal's security and foreign policies are being increasingly determined by American and Indian state policies. Nepal has undergone four major political changes so far.

1. The movement against the autocratic Rana regime, that was in power from 1846 to 1950. The struggle of 1950 can be called a nationalist struggle during which time people of

Nepal worked together with the late King Tribhuvan to overthrow the Rana regime.

2. A decade of democratic experiments under the so-called multiparty system from 1950 to 1959.

3. Nepali people fought for three decade against the partyless Panchayt system, imposed by King Mahendra, from 1960 to1990.

4. A decade and a half long struggle to establish inclusive democracy and remove the Monarchy of Nepal. This struggle was against fighting inadequacies of the multiparty democracy with the identification of these inadequacies and a demand for the removal of these inadequacies responsible for it. Thus this struggle was for achieving a socio-economic and political transformation of the country (1991- 2005).

All the three political movements above, except that of 2005/2006,had largely ended in a compromise between the King, the political parties at struggle, and Indian political forces. So, even after the success of these movements, old Institutions and structures of power remained the same. Power remained concentrated in people of one class (those owning land), caste and gender state, power was centralized People's voices and their needs for power-sharing ignored. This led to the continuation of political conflict in the country. This needs to be understood and realized by all the major political parties. A decade long struggle of Maoist insurgency claimed lives of more that 13,000 Nepali people were focused on ending this problem. This struggle, however, ended in a compromise between the three opposing political parties again.

1. Seven major political parties agreed to bringing total transformation in politics and in the structures of power.

2. NCP (M) - demanded for total transformation in the politics and the institutions as well as in the structures of power for which they had fought f.

3. Civil Society: who supported the demand of Total transformation of socio-political and economical transformation of the country, denounced violence and appealed all political parties including Maoist to work for peace.

It can't be denied that this struggle was also equally influenced by global forces and the political forces from India. However, as this in essence, was a struggle of every Nepali citizen, its outcome was different in character. Unlike in the past, this struggle excluded the king and his allies, completely. In a way it can be said that the struggle has excluded all the fundamentalists, all the right wing and accommodated elements from, left of the center, the radical left, the liberals and all the nationalists. Coalition between parties of different ideologies along with the civil society agreed on the peace process by reinstating the parliament which the king had dissolved. The objective of restoring the old parliament was to make it an interim parliament and to write by it an interim constitution. Problems started emerging. The reinstated parliament and political parties ignored the terms of the agreement, and continued to behave much as before. They failed to address the demands of the marginalized people for inclusion in the mainstream politics, to punish those responsible for suppression, and drive the king and the king's army out of the Royal palace. They failed, however, to transform the ruling institutions and structures of power. As a result, another round of conflict has started in the country. The southern part of the country (Terai) is still undergoing the pains of political unrest and violence. All marginalized groups, along with the people from the southern part of the country, are struggling for inclusion and for their rights. A sustainable peace can come only when this situation is changed. This can only happen when major political parties responsible for leading the country, listen to the people, respect their rights, and enter into dialogue with them, rather than letting themselves be influenced by outside political forces. The present transitional phase of politics needs to be managed properly. Influences from external forces are quite visible in the country at the moment. This needs to be fought off with a political will. In order to make the political transformation sustainable, it is imperative to have economical transformation at the same time. As Nepal's economy is largely based on agriculture, agrarian reform is very necessary to attain. Land reform is a must. Labor relations practiced so far need to be analyzed from a class and caste perspective. This requires adopting clear economical policies by the state, keeping people's rights and needs at the center. In the present era of Globalization, with Nepal allowing

privatization of state institutions and even basic services in the past, it is very difficult to overcome the problem. It becomes even more difficult when policy makers sanctioning such practices and values are in the decision making positions. Nepal's economy is in ruins and its economic policies have all but failed. Economic growth rate is almost negligible. National budget is largely dependent on external aid. Nepal has been a market place for the economically stable neighbors and for some other countries. Nepal has adopted a policy of economic liberalization, bu endorsing privatization and the structural adjustment program lay down by the World Bank. Mainstream political parties which led the Government after the political change of 1990 have internalized this reality. Now, even after the success of the 2005/2006 people's movement the government is trying to perpetuate the same principles and practices already identified as discriminatory policies unacceptable to the Nepali people. Thus resisting influence from the Political and economic global powers and to work from the people's perspective today constitutes a real challenge for the parties and the Government of this hour. It is, no doubt, difficult to do but not impossible, which political forces of Nepal at this time need to understand.

The Challenge of Incorporating Gender Issues in the Civil Society

Civil society has played an important role to make 2005/ 2006 people's movement a success. As mentioned earlier, civil society was an important stakeholder of the movement. Responsible members of the civil society played a role to bridge the gap between CPN (M) and other political parties. They were quite influential and supportive of the popular movement during the drafting of 12-point agenda. From the very beginning the civil society made known their demands and concerns clear. These consisted of an inclusive democracy, a democratic republic for Nepal, elections for a Constituent Assembly for ensuring the rights of the citizens of Nepal and expulsion of the King and his army from the Royal Palace. These are definitely a very positive role. This role is being continuously played by the civil society of Nepal even today.

Although the Civil Society's role in the political transformation has been a laudable one , it needs to analyze and ponder several issues concerning institutional transformations.

One very important issue which needs to be made clear is that there is a tendency to make the NGO's and the Civil Society synonymous. It should be made clear to everyone that the NGO's are only a part of the civil society. The NGOs of Nepal are largely dependent on foreign funding. Depending upon the type and source of funding, it has been seen in the past and as well as now, that some NGO's get influenced in their actions by that. This, at times, does not serve the interest of the people. The larger civil society movement never gets (in principle they should not) influenced by any one except by the demands and needs of the people. In Nepal there is some collusion on interest here. Sometimes, when personalities in the NGO movement are strong and politically clear, they do not get influenced by outside forces; nevertheless, there are times when this fusion jeopardizes the whole movement. This needs to be continuously watched and corrected.

The other factor is that civil society members and organizations linked to them need to be sensitive about their leadership composition, language and their activities. It is important for all leaders, directly or indirectly involved in the peaceful transformation of the country, to analyze themselves. Civil society is a reflection of the larger society of the country as are the political parties. The elements of undemocratic authoritarian character, dominance of one class, caste and gender in almost all the movements and institutions, is obvious. The predominance of feudo-patriarchal values can distract movements geared to peace and attaining justice. This could contradict the avowed policies being advocated by the civil society. The civil society can pressurize the government to be responsive and accountable to the people in accelerating transformation. To practice what you preach becomes the responsibility of all institutions. Thus, in this context it is the civil society too need to improve and change in the spirit of transformation. It has been observed that majority of organization in the civil society are led by men from the upper class and caste people. These established personalities (who largely got established by dint of tradition) consider political issues as prime

issues to deal with, while other issues related with marginalization, discrimination and exclusion of weaker groups are the real cause leading to political instability and conflict. So their focus should be on this. In spite of the continuous argument from the side of the women involved, their male counterparts do not take women's issues as important issues. This has remained a lip service largely. Deeply ingrained patriarchal values coupled with the practice of domination by one class, caste and gender in power structure within the civil society movements, has created a real challenge for genderizing the civil society of Nepal.

The Challenge of Sisterhood

For us, women of Nepal, it is necessary to learn from the various prolonged nationalist movements against the colonial regime that took place in the neighboring countries of south Asia. In these countries, hundreds of thousands of women were drawn in massive proportions to these movements. They played key roles in the freedom movements; however, after independence, the post colonial states did little to push the cause for gender equality in public life. What is more disturbing is that the nationalist ideology in many states in the recent years (especially in India and Iran) has turned more extremist and reactionary, following which it has defined women's place in the society in a more restrictive way. Thus, while the nationalist movements have created a space for women in public life, after the movements have achieved their goals, women's legitimate rights are again restricted[40]. This lesson indicates that Nepali women can also be pushed to the background by the mainstream political parties. Looking at the activities of the State machinery and the political parties, the situation becomes clearer. It is almost clear to us (Nepali women) that the dominant patriarchal values enshrined in all the feudal /semi-feudal/and the capitalist Institutions of governance and all structures of power will neither give enough space to women nor address gender issues, nor push for giving equality to women in public life. To make all that happen, old structures need to be changed. This can not be done without the equal participation of women in all these structures. In this situation it is necessary for women from different classes,

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[40] ibid

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castes, the third gender, and the disabled to come together and claim their rights to equality. Unfortunately, it has been very difficult for women belonging to different groups to rally together. Feeling of sisterhood and support to each other has been a real challenge to women. It has various reasons; however, the most important reasons can be identified to be as follows:

Due to the feudal and patriarchal values of the State as reflected in the community and individual households, women have been systematically abused, marginalized and discriminated against. Women have no control over resources or a right to decisions over their own bodies. Men exercise complete power over women which lead to several forms of violence committed against women. Whether it is at household level or at state level, violence against women prevails; in some areas it has become pervasive. Rape, sexual abuse, trafficking, bride burning, acid burning and different other forms of domestic violence (physical, mental, sexual) have become a reality of the Nepalese women. Marginalization of women's issues, and impunity for offence committed against the women are still perpetrated by the State. Whether it is at the community level or at a custodial level, women's bodies have been used as battle fields to win over each other. The custodial rape of the Maoist women's cadres by the Nepal army during the People's War, the incidences of Gaur after the restoration of democracy, the gang rapes of *Dalit* girls in *Siraha*, *Saptari Rautahat*, and hundreds of other cases of rape and exploitation committed at community levels serve as examples of this. Astonishingly, even after the Maoist joined the government, they have not made their voice, asking to form a commission for investigating the forms of violence perpetrated against their women cadres while in custody during the People's War. Similarly, despite the sizable number of women parliamentarians in the interim parliament, not enough voices are heard demanding the formation of protection mechanisms for women at the community level, and the formation of a high level commission to examine cases of violence against women in the past year. This gives a clear message of how the mindset of the political parties' and their cadres is shaped by patriarchal values. This underlines the need for the women's groups to be more vigilant, and to continually ask themselves whether women's representation at the policy-making level is the

only answer to it. I want to argue that to transform the State from an authoritarian into an egalitarian state; it is first necessary to have the numerical representation of women increased. It should be followed next by the representations of appropriate political visions with a clear understanding of feminist values of transformative politics and issues relating to women. This poses a real challenge for the women of Nepal; balancing women's representation, with infusion of clear political and feminist points of view at all structural levels.

The relatively weak Women's Movement, a weak projectization of women's issues, and the donor's strategies of dividing the Women's Movement according to their interest, constitutes another challenge for achieving transformation and transformative politics from the women's perspectives.[41]

What needs to be done to Change the Situation?

One of the early articulations of women's visions concerning political transformation can be found in the 1985 pre-Nairobi writings of a Southern Women's Network:

> "We want a world where inequality based on class, gender, and race is absent from every country, and from the relationships among countries. We want a world where basic needs become basic rights and where poverty and all forms of violence are eliminated. Each person will have the opportunity to develop her or his full potential and creativity, and women's values of nurturance and solidarity will characterize human relationships. In such a world women's reproductive role will be redefined: child care will be shared by men, women, and society as a whole. We want a world where the massive resources now used in the production of the means of destruction will be diverted to areas where they will help to relieve oppression both inside and outside the home…We want a world where all institutions are open to participatory democratic processes, where women share in determining priorities and

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[41] Kanwaljit Soin, Why women, what politics? Association of Women for Action and research, Singapore, (publication year)

decisions...Only by sharpening the links between equality, development, and peace, can we show that the 'basic rights' of the poor and the transformation of the institutions that subordinate women are inextricably linked. They can be achieved together through the self-empowerment of women."
Gita Sen and Caren Grown, *Development, Crisis and Alternative Visions: Third World Women's Perspectives*, New York 1987, pp.80-82

The Women's Movement has been consistently demanding equality in terms of numbers, power and responsibility along side men. Women want power, but they want to use power differently. This is because women understand the real causes of discrimination better. They have shown how those who hold the mainstream power misuse power and marginalize women and other groups in the process. Women cannot hold power without changing the agenda, values, processes and institutions thereof. The agenda can not be changed without transforming politics, and politics need to be transformed in such a way that it becomes dedicated to the people. It can be said that the Women's Movement believes that true social transformation can only be brought about when all power relations are transformed; and power relations can only be transformed through the restructuring of the State. As Nepal is in a stage of transformation and the political parties are being compelled by the people to restructure the prevailing institutions, the Women's Movement is expected to use this situation to their advantage.

Brazil is often cited by feminists as a good example where women, through their participation in the democratic movements of the 1970's and 1980's, were able to transform the political agenda of the resistance against the rule of military dictatorship. Now, Nepal can furnish another good example of this. The People's Movement in Nepal has demonstrated how dictators can be defied with the people's power. Nepali women have taken a decisive role in making this movement successful. Now that democracy has been established, it needs to be sustainable. To do this, women have to play a very decisive role again. In this process women need to influence the political sphere by changing the political agenda and

alteration in power relationships. It is necessary for women's groups to give issues a visibility, heretofore considered unimportant or even ridiculous by the establishment. It is necessary to force the establishment to take up these issues into their agenda and to put them in the plan of their action.

As part of the larger democratic movement vis-a-vis dictatorship, women are quite vocal in denouncing state violence, but they must also bring all forms of sexual and domestic violence perpetuated by the different non-state actors into their political agenda, enlarging their field of action and their concept of peace. Women need to protest against the continuing social inequalities and injustices derived from the old class structure, while also expressing their discontent with other forms of inequalities to be seen in gender, race, physical conditions, and sexual orientation. We, the women of Nepal, need to enlarge the concept of human and women's rights by placing social rights at the center of discussion, and also by bringing up health, reproductive and sexual rights along with the rights to live free from any kind of discrimination.

To achieve this, it is necessary that the Women's Movement of Nepal forge alliances with the other social movements rather than keeping women's issues separate and isolated. While doing this, it is also necessary that women's cause does not get diluted by a patriarchal analysis of transformative politics. To keep this up it is also necessary for women's groups to forge alliances among the different women's groups, keeping in mind their political understandings and class backgrounds. In a country like Nepal, it is necessary to make everyone understand the real meaning of restructuring and social inclusion; otherwise, this can easily be converted into a donor driven agenda which will become a major obstacle in social transformation. The Women's Movement has both the vision and capacity to do it. That is why it is necessary for women's groups to come forward unitedly and take the lead.

Women Human Rights Defenders ("WHRDs") active in different parts of the country have started to come together and developed their own vision of political transformation. With that vision, they will take an active part in the democratic movement. There is ample evidence to prove women's decisive role in the People's

Movement-2. After the establishment of democracy for the second time in Nepal, WHRDs coming from different parts of the country in a gathering discussed their priorities and areas of concern in the form of a Women's Charter. This was later endorsed by different women's group' active throughout the country, and was then handed over to the different political parties. There is yet another challenge facing them to make the political parties sensitive and alive to the Women's Charter, and charge them with the responsibility of implementing the Charter.

It is necessary for women of all groups to own the above discussed issues and to build a movement for their implement action. Women who belong to various political parties need to take the lead in their implementation, and women from the civil society need to lend support to them in this. Nepal's politics at this moment is largely dominated by socialist.

In theory, socialism stands for equality between men and women. Socialist movements and socialist states demand greater public roles for women. Socialist states create greater opportunities for women in education and employment and require expanded women's roles in public spheres. But, while socialist states greatly expand women's economic roles, they (with the exception of the democratic socialist states of the Nordic countries) do not emphasize the transformation of gender relations. This phenomenon can be in the socialist parties of Nepal. On one hand, almost all of the political parties are advocating for the rights of women; yet, on the other hand, there is not a single party which has as many women in leadership positions as their men do. Additionally, none of the parties have clear-cut policies as to how they will address gender relations within their own groups. This phenomenon has been keeping women in a delusion. Women who are affiliated with these political parties are somehow being lured into the parties with the hope that once their party wins, women's issues will be taken care of. They have been tied to party disciplines which force them to be silent and accept the dictates imposed by their fellow party members. This situation must lead women to make their own vision in politics clear. This has already been practiced in different parts of the world. In this context it is necessary that women affiliated with different parties (the

Communist Parties of Nepal, the Nepali Congress, or other Center-left parties) to come out of the party domain to forge an alliance on the issue of Women's participation, violence against them, and for their socio-economic rights, acknowledging the fact that whatever their parties might say on the issues of women, their practices do not seem ready for transforming gender relation.

In the end, as the parliamentarians of the world represented in the IPU in September 1997, on the Universal Declaration on Democracy have said: "The achievement of Democracy presupposes a genuine partnership between men and women in the conduct of the affairs of society in which they work in Equality and complimentarily, drawing mutual enrichment from their difference". This needs to be taken very seriously by all the democratic parties and Government of Nepal, and create, a favorable environment to institutionalize Democracy on a sustainable basis. This is the only way forward and to achieve lasting peace in the country.

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CHAPTER 5

Conflict Induced Displacement: An Emerging Phenomenon of Internal Migration in Nepal

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5.1 Introduction

In Nepal, the ten years of armed conflict between the state and the C P N (Maoists) has uprooted thousands of people from their homes and communities. They are facing tremendous difficulties.

The objective of this paper is to analyze the status, trend and dilemmas faced by the IDPs, and to initiate a debate on the urgency of addressing the IDP issues. This paper is divided into five sections. The first section introduces the context. The second discusses the displacement caused by the armed conflict in Nepal. The third section brings 'responsibility debate', focusing on if and when international interventions are needed. The fourth section briefly discusses the response made by the state to address the IDP issues in Nepal. Finally, the fifth chapter presents a conclusion and some ways forward.

The phenomenon of human migration is too diverse and multifaceted and therefore beyond the scope of explanation by any single theory. Hence, scholars from various disciplines such as economics, sociology, geography, and political science have striven to give models, analytical frameworks, conceptual approaches or simple notions of migration. Migration has often been explained according to the changing realities viewed by time (Arango, 2000). Ravenstein has said that *"bad or oppressive laws,*

heavy taxation, an unattractive climate, uncongenial social surroundings, and even compulsion (slave trade, transportation), all have produced and are still producing currents of migration but none of these currents can compare in volume with that which arises from the desire inherent in most men to "better" themselves in material respects" (Ravenstein, 1888:286). Similarly, in Arthur Lewis' model of "Economic Development with Unlimited Supply of Labour" (Lewis, 1954), migration was defined as a crucial mechanism wherein modern sector (connected with outside world) expands by drawing labour from traditional sector (where there is surplus labour) from which however both sending and receiving sectors benefit.

During 1960-70s when international migration of labour became a prominent global feature, migration was explained as a phenomenon prompted by individual decisions of rational actors seeking to improve their wellbeing by moving to new places where the reward of their labour would be higher than the one they were getting at home (Todaro, 1969, 1976). Toward the third quarter of the twentieth century, dependency theory said that migration was one of the mechanisms through which inequalities between countries (core industrialized countries and peripheral agrarian countries) were perpetuated and reinforced, especially through brain drain. However, Arango (2000) argues that no single theory is enough to define or explain migration on its own though they are important by themselves.

For the purpose of this paper, we have defined migration as a phenomenon of displacement of a person who leaves his/her place of birth or of residence to go to another place. Hence, it is a movement of people from one location to another for seeking a better life. Migration is both internal as well as external in happening. In the internal migration, migrants remain within their country whereas in external migration, migrants leave the country in which they were born and settle in another country.

The term migrant is defined as '*any person who lives temporarily or permanently in a country where he or she was not born, and has*

acquired some significant social ties to this country'[42.] The UN Convention on the Rights of Migrants defines a migrant worker as a *"person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national."* This is a broader definition of migrants. *"The term 'migrant' in article 1.1 (a) should be understood as covering all cases where the decision to migrate is taken freely by the individual concerned, for reasons of 'personal convenience' and without intervention of an external compelling factor*[43]*."*

Migration involves the movement of refugees, displaced persons, uprooted people, as well as economic migrants. Internal migration refers to a move from one area (a province, district or a municipality) to another area within one country. International migration is a territorial relocation of people between countries. Two types of relocation are not part of migration. They are: 1) a territorial movement which does not lead to any change in ties of social membership and therefore remains largely inconsequential both for the individual and for the society at the points of origin and destination, such as tourism; and 2) a relocation in which the individuals or the groups concerned are purely passive objects rather than active agents of the movement, such as organized transfer of refugees from states of origins to a safe haven (http://portal.unesco.org/shs/en/ev.php).

Migration and displacement are often interchangeably used in general literature that leads to confusion and vagueness. Both refer to movements- change of place of residence. Migration, however, is often found to connote a voluntary movement whereas in case of displacement, the perception scale is more inclined towards involuntary movement. For general people, migration is often understood to be a long distance movement either across country or from one region to another (hills to terai for example) where as

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[42]   See http://portal.unesco.org/shs/en/ev.php-
       URL_ID=3020&URL_DO=DO_TOPIC&URL_SECTION=201.html.

[43]   Report of the working group of intergovernmental experts on the human rights of migrants submitted in accordance with Commission on Human Rights resolution 1997/15. COMMISSION ON HUMAN RIGHTS Fifty-fourth session, Intergovernmental working group of experts on the human rights of migrants.

displacement is understood to be relatively short distanced and also with possibility of or desire to return back for the migrating person.

This paper uses the definition of displacement as given in the Guiding Principles on Internal Displacement (GPID, 1998). It defines displacement as an 'involuntary movement of a person from one's place of habitual residence caused by or as a result of the effects of armed conflict, situations of generalized violence, violations of human rights or owing to natural or human-made disasters, but keeping within an internationally recognized border of the same country. There are also people who are migrating for economic purposes but within the borders of one's own country. They are strictly not regarded as IDPs by the GPID. But if we observe the situation from a very practical level and especially when conflicts tends to get prolonged, then the line between the economic migrants and the displaced people as termed in GPID becomes very blurred indeed.

5.2 Armed Conflict in Nepal

The armed conflict between the state and the CPN (Maoists) which started from February 13, 1996 in Nepal has severely affected its politics, economy and society. By the end of 21 November, 2006 till the signing of the Comprehensive Peace Accord, the conflict had taken the life of an estimated 13,200 (UNIFEM, 2006) persons and rendered up to 600000[44] (Aditya *et al.,* 2006) people to be homeless, and uprooted from their homes.

The causes of conflict which are complex, multitude, and interwoven lie embedded in the social, cultural, political, geographic and economic structure of the society (Upreti, 2006; 2007b). The CPN (Maoists), who were an important element of the 1990 movement for the establishment of constitutional democracy soon turned away from the democratic government of 1990 and, launched their "People's War" against the constitutional monarchy

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[44] However, there is no nationally accepted figure of IDPs. The government records is quite low (less than seventy thousands), reports of international agencies such as Norwegian Refugee Council is moderate (around two hundred thousands) and various report of Nepalese scholars and civil society are high (goes up to six hundred thousands).

and to establish a "Maoists People's Democracy" (Upreti, 2004). But there are other factors than mere "People's War" that led to the participation of the common mass in this conflict. If we look at the popular support which this conflict received in terms of participation of poor and the disadvantaged people and the dynamics of the conflict, we can clearly see that there was a high level of frustration among the people which was just waiting for an outlet to explode. The declaration of the "Peoples War" had just provided such an outlet.

Box 5.1. Summary of Potential Sources of Social Tension and Violent Conflict		
1. Structural sources	2. International sources	3. Triggers and catalysts
4. Political sources 5. Socio-economic (caste, class, religion based discriminations and inequalities; poverty and unemployment; social exclusion, etc.) sources, 6. Geographical isolation 7. Constitution and legal sources 8. Ideological sources	5. Change in international context; 6. Interests (political, economic: natural resources- gas, oil, water and forest; historical legacy; religious; strategic and military) of powerful nations.	7. Vested interests 8. Suddenly emerging situation (e.g., The Royal massacre of 1st June 2001in Nepal) 9. Failure of political leadership, 10. Psychological factors- revenge and retaliations. 11. Irresponsibility factor and a culture of denial

Source: Adopted from Upreti, 2007a and 2006.

One of the underlying causes of conflict lay in the concentration of resources and power in the hands of a few elites. There was rampant poverty, marked by social, cultural and gender inequalities. The ethnic or indigenous minorities were excluded from the economic, socio-cultural and development process

characterized by a failure of the political system in the past. (Rana regime, Panchayat system and the post 1990 governments), and continuing of bad governance, institutionalization of corruption, the country's geographical exclusion and centralization even after 1990 Further, the awareness in the people leading to a sharpened perception of inequality and injustice, and their power to speak out their frustrations – an opportunity provided by the post 1990 government, and backed by the CPN (Maoists) campaign, all had contributed to it.

The CPN (Maoists)'s strategic approach to capitalize the frustrations of the people and win their support had also helped to expand the insurgency. From the side of the post -1990 governments the gravity of the cause and dynamics of the conflict was very much underestimated and ignored. The government initially took the insurgency merely as a "law and order problem" (Upreti, 2004a). Only later, it declared it as an act of "terrorism" (Upreti, 2006). Backed up by the military and other assistance from foreign countries, it fought against the insurgency. It never listened to the voice of its own people who felt similarly let down by the government. The government seemed to have depended on the analysis and advice of a few of supporting foreign countries- the most prominent of which were the proponents of the "war on terrorism" (Muni, 2003). Consequently, the government always took a suppressive stance towards all those it suspected to be the supporters of the CPN (Maoists). The turning point in the conflict came when king Gyanendra took over power on the 1st of February, 2005. He declared a state of emergency, detained or arrested leaders of the political parties, members of the civil society, and human rights activities and intellectuals. This laid the ground for all the seven political parties to unite and act together against the king. They formed a Seven Parties' Alliance (SPA) to fight for the restoration of democracy. The SPA joined hands with the CPN (Maoists) who were already fighting against monarchy. Thus sharing a common goal to some extent, the SPA and the CPN (Maoists) teamed up and signed two agreements[45] to return the

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[45]   The 12-points agreement was signed between the SPA and the Maoistss in Delhi, India on 22 November 2005, and the 8-point agreement was signed on 19 March, 2006 in Delhi).

power from the king back to the people. The main political agenda of these agreements were to end the king's autocracy, establish a permanent peace and to return the country to full democracy by holding elections for a constituent assembly.

A nation wide democratic movement started on the 6th of April with a large scale participation and support of the Nepalese people which was confluded on the 24th of April, 2006 with the surrender of power by the king. The king was forced to reinstate the earlier dissolved parliament on the 24th of April returning political power to the democratic parties. A ceasefire[46] was declared both from the government and the CPN (Maoists), followed by the signing of a "Comprehensive Peace Accord" on 21 November, 2006, bringing the armed conflict to a formal end.

The Parliament on the 18th of May, 2006, declared the monarchy suspended. The country passed an interim constitution on January 15, 2007. This constitution removed the King as the head of state. The Prime Minister is currently acting as the head of the state. The ever awaited constituent assembly will finally decide on the fate of the monarchy.

Though there is a controversy of opinion about the methods used by the CPN (Maoists) to bring political changes, it's impacts on social transformation and political change have been profound. Without the revolt of the CPN (Maoists), it could have taken decades for the people living in the rural areas to rise up for their rights. Some of the positive impacts of the conflict are:

1. Raised awareness among a vast majority of the rural people,

2. A developed sense of self-identity amongst various groups of people (e.g., Dalit movement, Terai movement, Janajati movement, etc.),

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[46] The Maoists declared 3 months ceasefire on 26 April 2006. The government declared ceasefire and withdrew the terrorist tag and red corner notice on the Maoists on 03 May 2006. Then the 25-point "Code of Conduct" was signed between the Maoists and the government on 26 May, 2006.

3. An enhanced sensitization to the conflict.

4. Pressure to end discrimination and effect social reform,

5. Creation of new opportunities,

6. To pressurize various development sectors to be more accountable and transparent in their workings,

7. Pressurize politicians and rulers to go for restructuring the state,

8. Heralded a people's resistance movement in stopping of production and consumption of alcohol, and to minimize gambling and incidences of sexual abuses in the rural areas,

9. Empowered the people to raise their concerns and demand for their rights.

Similarly, there were also several negative consequences of the armed conflict in Nepal. The prominent among these are:

- A high human casualty (killed more than 13300 people and rendered thousands other wounded),
- Gross violations of human rights,
- Damage to private and public properties,
- Shift of financial resources from social and economic developments to military expenditures,
- Disruption of economic activities and slowdown of rural productions,
- Economic burden to people through forced donations,
- Withdrawal of development projects due to the threat, abduction of staffs, bombing of governments' offices etc.,
- Growing psychological problems such as stress and depression, increase in dependency culture, feelings of an uncertain future, solitariness and confinement,
- Breakdown of social safety nets and,
- Internal Displacement

5.2.1 Armed Conflict and Internal Displacement in Nepal

Armed conflict produced different categories of IDPs in Nepal. They were:

1. Rich and powerful local elites most of whom were connected with the state power at the center,, family of security forces, and who were directly or indirectly opposed to the 'people's war'

2. Government staff and their relatives, mainly working as security personnel and in administration at local levels acting as representatives of the central government,

3. Locally elected leaders of political parties who were influential at villages,

4. Poor, socially excluded, marginalized people who wanted to alter the feudal, top-down ruling system and who expected changes from the 'peoples war',

5. Family members and relatives of CPN (Maoists) workers and their leaders,

6. People caught between two warring sides and fleeing their homes and general effects of war like breakdown of education, closure of business, weakening of local economy, insecurity etc.

Figure 5.1 Adapted: From Caritas (2006)

Destinations of IDPs of Nepal
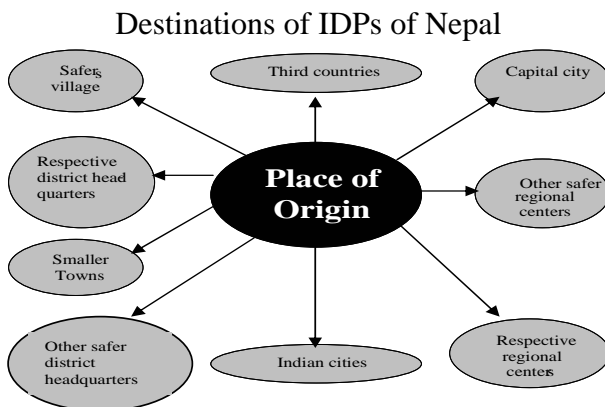
In the above a., b. and c. categories of people were displaced by CPN (Maoists) whereas categories d and e. were displaced by the state and its security forces; and f. victims of actions from both sides.

5.2.1.1 Trends of Displacement

As in other countries affected by conflict, the trend of displacement in Nepal is also mainly from rural to urban areas (IDMC, 2007). In situations of armed conflict, people are seen to move to urban areas, because they are perceived to be safer and afford better livelihood opportunities. The general trend of displacement is given in the adjacent diagram.

The IDPs relocation is varied and mostly depending on the motive behind choosing a particular destination. People choose certain places based on their affordability, connectivity and their perceived security (economic, social and psychological). Often IDPs settle in those places where they have relatives or friends or places where people from their places of origin have settled.

Case 5. 1. Reason for Choosing Kathmandu as Destination

Indramani Adhikari (name changed), age 75, from Sindhuli said he came to Kathmandu because his sons fled the village due to fear of being recruited in the CPN (Maoists) army. The main reason to choose Kathmandu as secure destination was because they had heard much about the availability of livelihood and other opportunities there. After living in Sindhuli for some years without his three sons he and his wife came to Kathmandu to live with his sons. One of his sons was practicing law in Kathmandu. Initially, the family lived in rented rooms in Satdobato of Lalitpur, but later they realized that they could saved money if they moved to the bank of Manahara River, to live with "sukumbasis" (landless people) already living there. Now, they have a small mud house and a shop that sells sweets, soaps etc. Their youngest son and son- in- law are now working as laborers in Malaysia.

However, the capital city is not the sole destination of the IDPs. Sometimes, when displacement is sudden due to urgent threats, all the members of the family leave the village at once and come to the nearest urban centers. Some of them settle there while other members move to the capital or to some other urban areas, such as the district or regional headquarters. Then some members (mostly young men) of these families may move to India or other third countries, including the gulf region.

Nepal is surrounded by India on three sides: from the east, west and the south. Therefore, large numbers of people from Nepal are entering India. Armed conflict has also pushed the youths to migrate to gulf countries. Observation from fieldworks in the Manahara 'sukumbasi" settlement area reveals that at least one member from each house, especially the son, has gone to work in the third country, mostly in Malaysia. Some of the displaced families have paid visit to their villages- after five to ten years when the CPN (Maoists) armed conflict officially ended on 22 November, 2007. Some respondents said that they have no property or immediate family members to go back to in their place of origin . Their relatives from the place of origin pay visits to them, but they themselves have not gone back and neither do they intend to do so.

5.2.1.2 State and Internal Displacement

The main reason for the internal displacement was the atrocities of the state security forces and the CPN (Maoists). Displacement due to the action of the state was first reported in 1995, when the government launched 'Operation Romeo". It was carried out against "Sija Campaign"- a politico- ideological operation by the CPN (Maoists) in 1995, which took place in Rolpa and Rukum- the two mountainous districts in mid western Nepal. Operation Romeo was carried out in 11 villages of Rolpa- by mobilizing 1500 policemen and a specially trained commando force. They brutally attacked the villages. More than 132 villagers were arrested without warrants. The age of the arrested ranged from 12 to over 75. Nearly 6000 villagers left the villages some of them never to return.

The ratio of displacement was seen to go up after the intervention of the then Royal Nepalese Army (RNA)[47] through operations like "Kilo-Sierra-II" (February 1998)and Jungle Search Operations (1998-99) and the imposition of the Terrorist and Destructive Activities (Prevention and Control) Ordinance 2001 (TADO); which was later enacted as the Terrorist and Destructive Activities (Prevention and Control) Act, 2002. This ordinance and the Act gave the security forces unquestioned authority to arrest, search, detain without warning any person and to use all necessary force by contravening constitutional order. Section 20 of the Act provided total immunity to security forces even if they grossly violated human rights. This Act was the main source of producing IDPs in Nepal.

Family members and supporters of CPN (M) often had a very hard time as they were often tortured and threatened by state security forces. Similarly, acts of retribution, abduction, disappearance, human rights violation and abuses of authority were profusely practiced by the state forces who were supposed to guard against such practices. Nepal's track record is poor in abiding by international conventions and provisions, which it has signed. Both the, state security forces and the CPN (M) had failed to respect humanitarian laws and to abide by these obligations.

There are instances of whole villages like Ganeshpur and Ratangunj of the Nawalparasi district that got displaced from the attacks by vigilante groups in the name of Village Defense Committee, or Pratikar Samuha or Shanti ra Bikash Samiti [48] (Peace and Development Committee) and from Rural Volunteer Security Group developed, trained and protected by the state security forces. Such groups were active in Nawalparasi, Kapilvastu, Rupandehi, Dailekh, Makawanpur, Dhading, Dhanusa, Ilam and other districts [Internal Displacement Monitoring Centre (IDMC, 2006)].

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[47]   The name has now been changed into Nepal Army by the restored Parliament after the popular people's movement of April 2006.

[48]   According to Caritas (2005), The later is a sanitized name used by the government for channelling the unspent fund (due to conflict, no development works could be carried out) of Village Development Committee to back up the vigilante groups.

The then RNA trained and provided arms and weapons to these groups massively [49]. After the completion of training they were given identity cards duly signed by the army (Caritas, 2005). They were used against the supporters and sympathizers of the CPN (M). For example, the brutalities of these groups were observed in Ganeshpur village of Nawalparasi, where they locked 3 persons in a house accusing them to be Maoists and set fire to the house. Fearing from such brutal act, almost 400 residents left the village and escaped to India.

According to IDMC (2006), until the July of 2005, 25,000 people have been displaced from their homes due to the action of these vigilante groups in different places protected by the state security forces. These Village Defense Committees pressurized the people to send at least one member from each family to join them. If local people refused to join, they forced such families to pay money, humiliated them, and conducted search of peoples' home at night and harassed their women, beat and even killed them accusing them as sympathizers of the Maoists (Caritas, 2005).

5.2.1.3 CPN (M) and Internal Displacement

Displacement caused by the CPN (M) started after the start of the "Peoples War" in February of 1996. At first, it was used as a war strategy to create a vacuum by driving away those who either opposed them or directly or indirectly obstructed their expansions, or did not obey their directions. It was relatively a successful strategy to create a political vacuum to be filled in later by the Maoists' own cadres. Mostly, wealthy landowners and local elites who were accused of wrongdoings and active members of political parties who didn't follow the Maoists ideology, the government officials, elected local representatives and the secretaries of the Village Development Committees and District Development Committees were forced to either accept the dictates of the CPN (M) or vacate their residence. Hence due to the fear of retribution

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[49] Local people reported to Monitoring mission of Amnesty International that, local people were told that if they participated in the trainings they would be recruited in police, army or government jobs. The training in Nawalparasi is provided in the Triveni barracks.

and extortion, many people left their villages. Other People fled due to either real or perceived threats.

> **Case 5.2: CPN (M) Specific Campaign and IDPs**
>
> In 2004, the CPN (M) declared "shoes abhiyan" in Jumla under the slogan "tie your shoe lace and get ready to join the CPN (M)" under which they notified that they would be taking all the youths of the village to be recruited in their army. Hundreds of youths immediately gathered at Jumla airport – the only outlet, to catch the flight which operated only twice a week, to run away to Nepalgunj and Surkhet which were perceived to be safer areas. There was a great riot at Jumla airport because there were only few seats available and everyone wanted to escape. The police thrashed many of these youths to control the situation. Thousands of people were displaced from that area.

The CPN (M) also used strategies of psychological pressure of security risks to force the youths to join their party in the Karnali region.

> **Case 5.3: Pressure on Students and Displacement of Youth**
>
> In Khalanga of Jumla, the CPN (M) took the name list of all the students who had just joined the Jumla Multiple Campus- the only campus in Jumla. When inquired, a student said that the list was given to the CPN (M) by students of the same college who were already working with CPN (M). The CPN (M) then organized some politico-cultural programme in rural areas which the locals were forced to attend. In the programme, they announced the names from the list designating those names to different posts like the area commander, area in-charge etc. This had two implications; firstly, the locals started suspecting the students as CPN (M) which created an unwelcome environment for the students to continue their study and secondly, when the list was predicted to reach the security forces- (as it was often the case) the students had no other options than either escaping from the place to safer areas like Nepalgunj, Surkhet and beyond to

India or joining the CPN (M). Since the first option was available only to people who could afford the costs, most fell trapped into the second option.
Source: Abstracted from the informal discussion with local people.

Family members of villagers working in the state's army or police often had a hard time in villages controlled by CPN (M). There are several incidences where the CPN (M) have asked the family members of the security forces for money and even forced them to get their sons or husbands to resign from government jobs. The victims who suffered from the CPN (M) formed an association to advocate their concerns. The association claimed that thousands of ex-army and ex police personnel suffered in the hands of the CPN (M) who forced them to leave their jobs and their villages

But the activities of the CPN (M) are not solely responsible for such incidences. Firstly, if the state had gone towards resolving the problem rather than suppressing it, and had there been an efficient mechanism in the security forces or had the security forces been sensitive towards human rights and humanitarian issues, most people would not have been displaced.

5.2.1.4 The Dilemma of Local Community and Displacement

Most often villages were used as battlefields both by the CPN (M) and the state. Civilians were treated by the warring parties not as mere civilian but forced them to choose one or the other side.. They were most often taken as a threat and perceived as potential force of the enemy. Regrettably, neither of the warring parties abided by the rules of international human rights and humanitarian laws. They neither devised mechanisms nor were interested to differentiate between the combatants and the civilians. Thus, using civilians as means of warfare by the CPN (M) and the state drove the local people out of the villages. Moreover, the TADO gave authority to the military to suspect anyone as being a 'terrorist'. Anyone not supporting them was regarded as a as supporters of the rebels, and was consequently a 'terrorist'. Caught in such a situation, local people not only lost their basic human rights and

their identity as civilians but were exposed to a great danger to their lives. Hence, leaving their community and villages was the only way of survival.

The people were displaced in large numbers during the armed conflict in Nepal also because they were exposed to money extortion, retribution, threat, abduction, humiliation, insecurity and suspicion from the warring parties. Other long term effects of the armed conflict were deterioration in social and economic life, break down of social and informal safety networks, absence of opportunity for livelihood to a large number of people from rural families impelling them to leave their homes.

> ### Case 5.4: Bitter Relation Remains for Long
>
> *In a meeting at Martin Chautari, a displaced woman said that she together with a group of 15 women had gone as a delegation to meet one of the ministers of CPN (M). She was a member of the Nepali Congress back in the village and had been abducted by the CPN (M) cadres twice. Hoping that since he was also from the western region and a minister who has a responsibility to address the problems of the war-torn nation including IDPs he would listen to their plea. But the minister, who was reluctant at first to meet them, misbehaved and threatened the women. She said that his words and voice were as brutal as that she had heard from the CPN (Maoists) when she was abducted.*

This case demonstrates that there is a deep-seated bitter memory between the CPN (Maoists) cadres and the people sympathetic to other parties of other parties. During most of the time of the armed conflict the Nepali Congress Party was in the government and it imposed the State of Emergency, mobilized military and did every thing it could to destroy the insurgents initially. Similarly, the CPN (Maoists) on its part did everything to weaken the Nepali Congress and evicting supporters of its parties from the villages. Weakening of workers and sympathizers of other parties was a common strategy. The bitter verbal exchange between the minister and the cadre of the Nepali Congress is a precise reflection of it.

5.2.2 The Politics of Data of Displacement

The actual number of IDPs not only became a confusing and controversial a problem, it also became a contentious issue. Contradictory data was used for vested political interests. One side blamed the other and held it responsible for producing the IDPs. Hence, they started exaggerating the number of displaced people by other side and attempted to present that less number of people were displaced due to their own action. The state for a long time did not recognize the people displaced by the security forces as being IDPs and treated them as mere supporters of the CPN (Maoists).

Further, as observed elsewhere, it became hard to find an accurate number of the displaced people because their counting process is complex and is affected by various factors such as unmonitored migration to India and abroad, voluntary invisibility due to the stigma attached to the concept of IDPs, intermixing of IDPs with the host community and the negligence, ignorance and biases of the government by not recognizing IDPs produced by the security forces. Hence, the authentic number of IDPs is not known. The figures of IDPs projected are based on the small localized research by various NGOs as well as those presented by the warring parties. One of the recent estimates of IDPs is made by the IDMC (2007) which says that IDPs in Nepal range from 50,000-70,000 people.

Fig 5.2: Number of IDPs Staying in Different District Headquarters
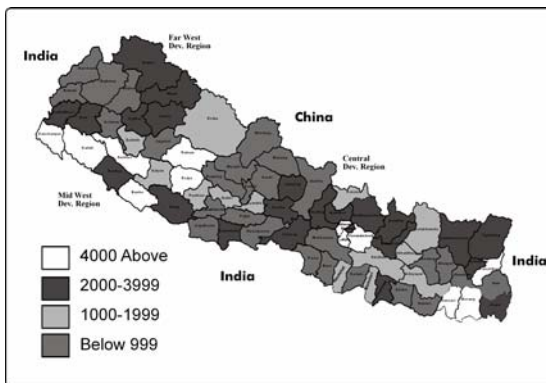
Source: Adapted from Caritas, 2006

5. 2.3 Effects on Livelihood of IDPs

Displacement everywhere is often found to have similar consequences- families are torn apart, communities dispersed, their culture suppressed, and normal support system destroyed and the affected population are forced to depend on others for the basics of survival (Korn, 1999). It denies innocent people's access to food, shelter and medicine and exposes them to all manners of violence. Displacement also contributes a lot to the process of formal and informal urbanization, sometimes positively and most often negatively.

On the question of livelihood, the issues of land and property, political participation and the trend in rural to urban migration and its consequence became a source of major global concern in 2006 (IDMC, 2007). As in Nepal control and access to land has been a source of conflict in many countries. Access to housing and land is one of the main concerns in a debate on displacement. It has often been observed that when security situation improves or a peace treaty is signed, property disputes associated with the return of the displaced people are a potential source of conflict. The same is seen to be occurring in Nepal. The question of land and property dispute is directly linked with the characteristics of the current state (a feudal, power centric and a top-down state which does not want fundamental land reform, whereas the CPN (Maoists) has linked the issue of the land confiscated by them during their armed conflict to the state's immediate action on land reform. Hence, they maintain that they have not yet returned the earlier confiscated land fully. The interim government has started to use pressure to return such land on the Maoists, which might, introduce more conflict and tension in future.

The displaced people were unable to meet their basic livelihood requirements because they were dissociated from their farming which was their only means of livelihoods. They have faced severe hardship because of societal stigmas, political restrictions, limited economic and wage-earning potential, insufficient access to necessary resources, and inadequate assistance. Consequently, they exhibit the case of disproportionately high levels of malnourishment, disease affliction, physical stunting, etc.

According to a recent report from Dang (Samaya, 2007), the CPN (Maoists) have declared that they would return a maximum one bigha (1hectare = 1.47654 bighas) of confiscated land to only of those IDPs who they feel have been done injustice. Senior leader Krishna Bahadur Mahara of CPN (Maoists) at first said that the confiscated land issue is a struggle of tillers and landless people against their exploitative landlords to establish their rights and it was not hence appropriate to blame the CPN (Maoists)[50] for it. After becoming the Minister for Information and Communication he said that CPN (Maoists) would not return the land they had confiscated until they brought the radical land reform[51] plan in action which till present times has not materialized. Similarly, the local leader of CPN (Maoists) in Dang, Hemanta Prakash Oli alias Sudarshan[52], has said that it is unlawful to return all the confiscated land, Those who would want to get their land back will get only one bigha of land at the maximum (Samaya, 2007) only after their deeds are screened well. In Dang, disputes have arisen between the displaced landlords now wanting to return and the secondary occupants, people who had been occupying the land after the real owners were displaced.

Comprehensive Peace Agreement (CPA) signed between the GoN and CPN (Maoists) on 21 November 2006 made specific provision on the IDP. Article 5.2.1 of the CPA states, *"Both parties express the commitment to allow without any political prejudice the people displaced due to the armed conflict to return back voluntarily to their respective ancestral or former residence, reconstruct the infrastructure destroyed during the conflict and rehabilitate and socialize the displaced people into the society"*. However, this provision is not translated into action. If this provision is honored and the CPA honestly translated into action,, it could provide greater scope for addressing the concerns of the IDPs and helping to remove the livelihood insecurities of the IDPs. But the state so far seems unwilling to appropriately deal with the contested land issue.

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[50] See Samaya, 12 Apr, 2007 for details.
[51] See Kantipur 18 May, 2007
[52] He is the bureau Incharge of Maoists for Rapti zone

It has been observed in the case of the Democratic Republic of Congo and the Philippines that once the government makes rules for the restitution of land and other properties to their owners,, political and economic elites, or people having better access to information manage to obtain ownership over land and property belonging to other less informed groups further robbing the vulnerable group of their property. Possibility of such a situation repeating in Nepal should be taken into account while making policy and implementation plans, as land makes the principal basis of livelihood for the poor people.

For most of the displaced people in the poorer category, living conditions for them are difficult to cope with in the face of high unemployment rates, large debts and a high level of dependency on friends, relatives and community[53] for assistance. Some have been forced to beg for food at the local hotels while taking care of their children. Because of the distrust among the host community, many faced problems in renting flats or finding jobs. Many had run up to large debts with their property and assets left behind all their savings used up, and forced to survive on loans. The displaced women were reported to find work in hotels and bars, working as semi-prostitutes. There were growing incidences of child labor.

The nutritional information on Nepal (NRC, 2007) shows that along with countries like Burma, Colombia, and Ethiopia, the malnutrition rate among the IDPs is very high, sometimes above the critical 15% threshold set by the World Health Organization to define the emergency situations.

Since large numbers of displaced persons are unskilled to semi skilled in job trainings,, they have been engaged only as laborers in stone quarries, sand mines, apparel factories, brick kilns or as local porters, street vendors, drivers, conductors, domestic laborers, construction workers etc. They are usually underpaid, and their income is not sufficient to sustain their livelihood. In Nepal

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[53] See studies on the livelihood of the displaced people in Nepal by UNHCR *et al.* 2006; Rai, 2006; and Tamang `and Fedrick, 2006

engaging children in different jobs has been a major livelihood strategy (Tamang and Fedrick, 2006).

Social capital has played a prominent role, right from providing shelter, food and helping to find a job in the initial stage to providing moral support, recognition and enhancing participation in community at later stages. Community social workers and career advisors have also been found to be important to create a corridor for social integration. Language and discrimination in terms of ethnic lines or even the fact of being an IDP have been observed to be prominent barriers in integration, in Nepal as almost everywhere.

Different studies (Upreti, 2007a; Caritas, 2005; Adhikari, 2006) reveal that the IDPs suffer from a feeling of depression, helplessness and isolation, psychologically. This is due to the change in their identity and retarded participation in various activities. They feel that from being a notable respected identity holder previously,, they have now become an anonymity

5. 2.4 Effects on Social and Cultural Life of IDPs

Displacement has affected the social and cultural life of the displaced people in Nepal. The shift from rural areas to urban areas brings with changes in different socio-cultural values. Such movements have helped to break down the traditional socio-cultural barriers of occupation- assigned caste and roles. It has opened spaces for the flourishing of one's entrepreneurship and breaking down of traditional gender assigned roles. It has helped in the gradual eroding of caste generated disparities such as the issues of untouchability. However, migration of a person from a rural area, where the community's relationship l is characterized by co-operation, intimacy and mutual, support within a set of given values, in a new place which has different values, beliefs and traditions that is hard to adjust. The displaced people have to construct a congenial environment, and to integrate themselves into the new place at the same time. This may cause an additional strain to the afflicted person. Taking the decision all of a sudden to move from one's place of habitual residence, to where there is neither

protection, nor means to provide for the family, it can be the hardest decision of their life.

5.2.5 IDPs and the Constituent Assembly Election

The participation of the displaced people in the forth coming elections for Constitutional Assembly is a matter of major concern, because it is not certain whether they will get the opportunity to vote in this important nation-building effort. Though the voter registration process has been completed for most places, the displaced people have not been registered in the voter's list in the place where they are staying at present. The rules require that they go back to their place of origin for voting which may be difficult to arrange. This discourages participation of IDPs in voting.

There are also many other obstacles that impede the enfranchisement of displaced people[54]. Nepal could and should learn from the experiences of international agencies like the Organization for Co-ordination and Security in Europe (OSCE) and International Organization for Migration (IOM) that have been monitoring and supporting elections in situations of conflict induced internal displacement. Provisions should be made have a greater voice and means of holding their government accountable to address their plight effectively.

5.2.6 Impact of Displacement on Host Areas

The phenomenon of rural to urban migration exists in all countries in conflict, producing IDPs involving millions of people. So, it not only affects the displaced people, but is also a challenge to the people of the host area. Mostly staying in the basement of houses of host families or squatting in, streets, schools or other public buildings in the initial periods, IDPs often end up in the fast growing slums which change the structure of cities besides other consequences like strain on infrastructures and civic facilities.

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[54] See Anita Ghimire (2007) "Enfranchising IDPs of Nepal" in *Forced Migration Review* No 28 in www.fmrreview.org for detail debate about the IDPs and their participation in election.

A recent study by one of the authors of this paper on the environmental causes of the armed conflict and the impacts of armed insurgency on environmental sanitation and health issues of IDP in the of urban areas of Kathmandu valley, demonstrates that most of the IDPs staying in slums are suffering from lack of food, health facilities, enough drinking water and sanitation, legal and other physical protection. They are not able to exercise their economic, civil and political rights in the settlement. Particularly elderly, children and women are suffering from lack of food and nutrients, medical facilities, drinking water and sanitations. IDPs are also facing severe harassments and problems from the municipality authority and local host communities (Upreti, 2007a).

Studies on the effects of displacement on the urban area in Nepal (IDD, 2006; Rai, 2005; Upreti, 2007a; Adhikari, 2006) reveal that exodus to urban areas has placed pressures on the urban infrastructure and its capacity to deliver basic services. It has led to pressure on the already inadequate supply of drinking water, sanitation and health services, education and transportation of the cities. This strain on the infrastructure and capacity of delivering basic services has posed a huge challenge to the local government. It is reported that 78% of the total population living in squatter settlements for the last 10 years are mainly people displaced by conflict (IDMC, 2006), is an evidence proving that people who shift to urban areas due to insurgency are prone to transforming into the urban poor.

The arrival of the displaced people, who are mostly unskilled to semi-skilled agricultural laborers, to the urban area has increased a competition for on daily wage labor, for resulting in the reduction of the amount of daily wage earning, and making livelihood that is already precarious, even more vulnerable.

Problems of integration between the IDPs and the host community are also mounting (Upreti, 2007a). Since cities have started witnessing an increasing flow of IDPs, intolerance and prejudice have augmented considerably (Rai, 2005). With the increase in the inflow of IDPs to the in urban areas, incidences of criminal and anti-social activities are increasing (Upreti, 2007a). The host community perceives this to be the result of the IDPs. Increased

competitions in unskilled and semi-skilled jobs have resulted in underpayment and loss of jobs. The existing labour forces see the economically challenged IDPs as their bread snatchers. From the side of IDPs the integration problem may rise while bearing the double brunt of adjusting to the values, beliefs and traditions of a new place, while at the same time making space for socializing in a new environment.

Unsustainable use of natural resources like sand quarrying from riverbeds and illegal cutting and sale of firewood by some of the IDPs not only bring in their train a host of problems, but also reduces the ability of sustainable natural resources to regenerate for a long time (Upreti, 2004a; 2006a).

5. 2.7 IDPs and Gender Issues

It is an established fact that women and children who together make up 70% of the displaced population are the hardest hit in the different stages of conflict and displacement. Violence against women is often used as a war strategy to attack the values of a community or to punish or terrorize the communities and individuals (Aditya *et al.,* 2006; Banerjee *et al.,* 2005; Cohen, 2006).

The present conflict in Nepal has created many single women among the displaced who are living as destitute (Upreti, 2006a). Concerns regarding the women conflict victim are found to centre around two issues – protection, and provision or access to resources. They have been left as the sole supporters of their children and other dependents, and are traumatized by effects of losing their husbands and by feelings of insecurity and harassment from the government security personnel and the CPN (M) (Caritas, 2005). However, the troubles they face are multidimensional – being economic, social, physical and psychological- in nature.

Studies (Caritas, 2005; Zeender, 2005; Banerjee et al. 2005; UNIFEM, 2005) show that experience of leaving the familiar environment, breakdown of social safety nets, and support structures and accepted forms of human and family relations have created a chaos in the lives of displaced women which is hard to

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normalize. Living in an unfamiliar, crowded and cramped area with strangers, puts displaced women in a stressful environment. Reduction in limited economic opportunities and manifestation of frustration and tension by male members in the form of alcoholism, aggressiveness and violence, primarily directed towards women and children have caused extreme hardship to women.

Displaced women fleeing their homes or living in IDP camps have sometimes been forced into prostitution to survive or have fallen prey to traffickers in Nepal (UNIFEM, 2006). However this is a condition not only prevalent in Nepal. Other conflict ridden countries like Uganda and Liberia are facing the same problem as many women and girls have been forced to exchange sex for food, money or aid even from national and international peace workers. UN peacekeepers were also found to be involved in abuses against women; running prostitution rings and other forms of exploitation in the Sudan and Uganda.

A report by Tamang and Fedrick (2006) shows made that displaced girls working in carpet factories were at the highest risk of verbal and physical abuses. Initiatives have been set by local organizations monitoring violence against women and children by assisting in reporting of such violations. But gender based violence are generally not reported during conflicts, and many post- conflict surveys do not include questions on sexual violence because they are sensitive issues.

5.3 IDPs: The Responsibility Debate

The issue of responsibility towards the internally displaced people is an ongoing debate especially regarding the issues of if and when international interventions should be done. Since the displaced people remain within the borders of their own countries, it was often taken for granted, under the traditional notion of sovereignty that the government of the country had the sole responsibility to look after them. But it is often found that the same government who under the international law and the concept of sovereignty are obliged to protect and provide life supporting assistance, are themselves the cause of displacement and human rights violation to

the displaced people. Even until 2006, countries [55] government forces were directly or indirectly involved in displacing people in 17 countries and in 11 countries [56] the IDPs received none to a very limited humanitarian assistance from their own governments. It is also for the same reason that the notion of internal displacement in the context of armed conflict didn't come before the international agenda until the last decade of the 20th Century (Cohen, 2006), whereas for the refugees- who were uprooted for the same reasons, but fled across the border, the Office for the United Nation High Commissioner for Refugees was created soon after the Second World War in 1950. In 1951 the Refugee Convention was adopted. Thus, when as late as in 1988, 250,000 Sudanese starved to death, because their government denied them humanitarian assistance, the international community just stood by and watched

However, pioneers in the IDP field such as Roberta Cohen and Francis M. Deng have been arguing that sovereignty cannot be dissociated from responsibility and that a state should not be able to claim the prerogatives of sovereignty unless it carries out its internationally recognized responsibility towards its citizens (Cohen, 2006). It has now been recognized that when applied in situations of international displacement, is concept basically affirms that governments have the principal responsibility to provide life- supporting protection and other means of assistance for displaced populations. If they are unable to fulfill this responsibility, they are expected to ask for and accept international offers of aid. If countries refuse or deliberately obstruct this access, thus putting people at risk, then international interventions become compelling. Though strong in theory this concept is so is very weak in practice. India and China argue that such international intervention overriding sovereignty could cover for the interference by the powerful countries in the affairs of the weaker states. This may be true in some cases, but it and cannot completely be ruled out in a situation in which the government doesn't carry out its

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[55] Burma, Central African Republic(CAR), Chad, Colombia, Cote d'Ivorie, Democratic Republic of Congo, Iraq, Lebanon, Kenya, Pakistan, Palestinian Territories, Philippines, Senegal, Sri Lanka, Sudan, Uganda, Zimbabwe

[56] Bangladesh, Burma, CAR, Chad, DRC, Indonesia, Pakistan, Palestinian Territories, Somalia, Sudan, Turkmenistan

responsibility or evades its duty, thus putting the life of its people at risk, and then international intervention becomes a need. This notion of interference by powerful states is prominent in South Asia since its countries are firmly committed to the principle of equal sovereignty, and most of them view internal displacement as a strictly domestic matter, ranking low on the national priority list. This may be the reason why there is no regional body in South Asia, even though more than two thirds of Asia's three million internally displaced people are living in South Asia (IDMC, 2007).

5.4 Development of a Normative Framework for IDPs

The number of IDPs had swelled up dramatically due to the explosion of civil wars following the end of the cold war era. In most cases the IDPs outnumbered the refugees by two to one (Banerjee *et al*, 2005). As a result, the phenomenon of displacement became very visible and a need arose to address the plight of the IDPs. Roberta Cohen (2006), identified 5 main reasons for creating an international system to address the IDPs

Firstly, there is still an enormous increase in the number of IDPs. When first counted in 1982, the number of the internally displaced was at only 1.2 million spread over 11 countries, whereas by the 1990s, 20-25 million IDPs were found living in 40 countries. Even until the end of December 2006, there were under 10 million refugees in the world whereas there was an estimated total of 24.5 million conflict affected IDPs in at least 52 countries (IDMC, 2007).

Secondly, the conditions in which IDPs were originated and lived, created an urgent need to address their plight. The highest mortality rate in humanitarian emergencies involved the IDPs. They were more often likely to be deprived of their basic needs, medicines and were vulnerable to assault and human rights abuses.

Thirdly, conflict and displacement in one country has spilled over to neighboring countries, often affecting the stability and security of the neighboring countries and of the whole regions well.

Fourthly, after the end of the cold war access to the IDPs became easier. After the adoption of Universal Declaration of Human Rights in 1948 and subsequent human right treaties, the behavior of a government towards its citizen became an international concern. So, after 1970, systematic monitoring, reporting and exposure of governments involved in acts of forcible displacements, ethnic cleansing and other human right violations started regularly. In the beginning of 1991, the UN Security Council started to demand access to displaced people and other affected populations.

Lastly, it was realized that peace and re-construction in war torn societies couldn't take place without proper re-integration of displaced people. The governments in neighboring countries were also less willing to accept refugees in their countries. So it was deemed necessary to protect, assist and reintegrate the IDPs within their own countries.

The relief organizations trying to help the IDPs in the field demanded for a document that defined the IDPs and their right, and, consequently, after several years of hard work, the Guiding Principle on Internal Displacement (GPID) was drafted by Francis M. Deng, Roberta Cohen and a team of international legal experts in 1998.

The GPID brings together in one document, many norms that were applicable to IDPs which lay before dispersed in many laws, like the refugee law, international human rights law and the humanitarian law. Though it is not a legally binding document like a treaty, it reflects and is consistent with the international human rights and humanitarian law which are legally binding.

Under its guiding principle, the GPID defines an internally displaced person to be a *"Person or group of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular, as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border."* GPID,1998 .

The GPID guarantees the rights to the IDPs in all phases of displacement; to be protected from arbitrary displacement, protection and assistance during displacement and return, or resettlement and reintegration. The GPID has now been endorsed by international humanitarian, human rights and development organizations and their umbrella groups of non -government organizations in their work. Countries having internal displacement use it in the development of their own laws and policies, by translating it into local languages to create awareness and to and evaluate their actions in situations of internal displacement. The displaced people have started using it to protect and appeal for their rights.

At present a lot of international organizations are working towards the facilitation of return, in providing material and non-material assistance and in working towards a local integration of the displaced people, providing them counseling and legal advices etc. Organizations like the UNHCHR, OHCHR, ICRC, WFP, are in working directly or in partnership with the local NGOs or government organizations or sometimes with other international organizations[57].

5.5 The IDP Policy of the Government of Nepal

At the domestic level, the Government of Nepal, Ministry of Peace and Reconstruction, has developed a national policy on the IDPs, entitled "National Policies on Internally Displaced Persons, 2063 (2007)"". It has defined the internally displaced person to be 'a person who is living somewhere in the country after having been forced to flee or leave his home or place of habitual residence arising from an armed conflict or a situation of violence or due to a gross violation of human rights or from natural or human made disaster, with an aim to avoiding the effects of such situations'. The mission of this policy is 'to rehabilitate the internally displaced persons or families with respect, and in safety and on a voluntary basis, with reconstruction of physical infrastructure for them, and by providing all preventive as well as sustainable measures in the re-socialization of the IDPs in order to prevent the reemergence of

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[57] See www.reliefweb.org for details

such situations in future. This policy has the following three objectives:

- To adopt preventive and curative measures on a long-term basis and thereby minimize the problems with a view to addressing the problems of internal displacement.

- To provide relief, benefits and facilities by developing integrated and coordinated mechanism with the involvement, among others, of displaced persons for the protection of fundamental rights and basic human rights of internally displaced persons, and minimization of adverse effects to local communities from displaced persons.

- To create a conducive environment for a safe, voluntary and dignified return of displaced persons or the construction and rehabilitation of social, economic infrastructures for their settlement in other locations.

In order to achieve the objectives, the strategies proposed in the policy document of IDPs are:

- A matter relating to internally displaced persons will be incorporated in the priorities of national development.

- In order to perform necessary functions in relation to internal displacement, the government will develop an institutional and integrated by coordinating and mobilizing the efforts of local bodies, national and international non-governmental organisations, community organisations, donor agencies, various political parties, including the private sectors,

- Institutional capacity of the governmental, non-governmental and community organisations/institutions will gradually be developed. Similarly, capacity of internally displaced persons will be developed and thereby an attempt will be made to make them self-reliant.

- Technical and financial means and resources to be required for providing basic services of employment, education and health to internally displaced persons will be collected and

mobilized in cooperation with donor agencies, national and international non-governmental organisations as well as private sectors.

- The strategies for minimizing the internal displacement will be taken in the policies to be adopted by the Government of Nepal.

- The amounts received for the benefit of internally displaced persons will be managed transparently to their benefit.

- An environment will be created so that internally displaced persons could enjoy prevalent fundamental and human rights without any hindrances.

- The problems of displacement will be minimized in conflict affected areas by undertaking the activities of development, construction and reconstruction and by providing them security and social services.

- Formal organizations/institutions and informal groups of internally displaced persons will, according to their skills and capacities, be mobilized in relief and service delivery, rehabilitation, reconstruction and other activities pertaining to the development of the country.

- Specially targeted programmes will be launched for protecting the rights of such persons as women, aged, children, orphans, incapacitated and the similar types of vulnerable groups or the persons with special risks amongst the displaced ones.

- In order to raise awareness to negative effects which are being or will be arisen in future by internal displacement, activities relating to information, education and communication will be undertaken in a regular and persistent manner.

- Displaced persons or families will voluntarily be encouraged to return to their places of habitual residence. For this purpose, an appropriate rehabilitation plan will be formulated and implemented.

- Capacities of organizations working in governmental and non-governmental sectors will be developed for effective implementation of the policies pertaining to internally displaced persons.

However, translating these strategies into action has remained a major concern so far. The government of Nepal is confused in dealing with the issues of displaced people. One of the reasons for a weak response of the government on IDPs may be the situation of transition facing the country just emerging from violence and other obstacles.

Further there are some operational difficulties in identifying and accessing the IDPs due to a higher degree of their dispersal and their reluctance to be identified as such due to various stigmas attached to the concept. There is also a high degree of coincidence of the IDPs with the economic migrants or with the equally vulnerable host population. As already, especially when a conflict tends to get prolonged the dividing line between the IDPs and the economic migrants become blurred. Even when there is an access to the displaced people, the problems of response creates obstacles to fulfilling the needs of the IDPs. The foremost factor for creating the problem of response is presumed to be the lack of political will from the government concerned. This lack of will is sometimes an obvious fact, because the governments are themselves partly or solely the agents of displacement. In Nepal too, in the initial stage the government was reluctant to recognize the problem of the IDPs and had a biased attitude against them even later.

Inadequate resources, misuse of funds and capital centered ad-hoc response have also impeded no little in the little assistance, provided to the IDPs. Failure to have a strict implementation design and take adequate measures to ensure effective implementation hinders the response. Similarly, during the time of conflict absence of a functional government and the government not having control over many of its areas also hampers response.

5.6 Conclusions

Conflict induced displacement is becoming a new phenomenon in internal migration because of its specific characteristics, such as politicization, manipulation and biases in dealing with the issues and translation of policies and international provisions relating to them into action.

Among the five categories of the IDPs presented in section 2.1 of this chapter, most afflicted groups are poor, socially excluded, marginalized people who were the victims of the state during the time of the conflict. Their livelihood is insecure. They are less accessible to the facilities provided by the state to the IDPs. They are completely powerless, and away from power centers and, consequently, helpless.

Addressing the consequences of conflict induced displacement and the needs of the displaced people is a key factor for ensuring lasting peace, stability of the government, and achieve sustainable development. It is also a subject of an international debate as spelled out in the "new sovereignty" concept and the declaration made in the 'Millennium Development Goals'. To provide protection to the displaced people is being one of the main concerns of it, and the success of it is measured by indicators like the number of displaced people that have returned and been reintegrated within their community, and the support given to the IDPs to enable them to return and to be reintegrated.

Armed conflict between the state and the CPN (Maoists) has rendered many people homeless, being uprooted from their homes. The ongoing conflict in the Terai, if unresolved will be adding further to this number. The plights of the IDPs remain is a crisis of the untold dimension at present and may pose many problems in the future.

The trends and agents of displacement in Nepal are quite clear to see, and the responsibility towards addressing the plight has not been taken up either by the state or the international communities. The persistence of the problem lies in the passiveness of these two important actors.

Livelihood insecurity of the IDPs is one of the major challenges facing them at present, since they have limited economic assets, social supports and alternate safety nets. Poor and marginalized sections of the IDPs are facing genuine problems of broken families and communities, arbitrary violence, and discrimination. Their future remains unpredictable. The IDPs are susceptible to turn to other sources for participation, recognition and empowerment.

Similarly, tension between the host community and IDPs remain high unless the state takes appropriate actions. Majorities of the IDPs, staying in slums and other degraded or insecure areas face all sorts of health hazards.. They have a very hazy and insecure future. . Since meeting the basic needs of everyday living is hard for them, they are not inclined to invest in the future, such as in preserving natural resources, learning new skills, and in providing education to their children, etc. This will have a negative impact both on the environment and the society.

The decade long armed conflict has created several negative impacts on the health and sanitation, on space and services such as education and, drinking water for the IDPs staying in Kathmandu valley. Most of the negative impacts are seen to lie in the governance problems, social and economic inequalities, and environmental injustice relating to the IDPs. Therefore, mitigating negative environmental impacts in the urban areas and improving the health and sanitation of the IDPs require a vigorous addressing the underlying causes of environmental degradation rooted here. The Comprehensive Peace Agreement (CPA) signed by the Government of Nepal and the CPN (Maoists) on the 21st of November, 2006 has opened up new avenues, for addressing the negative environmental impacts arising from the IDPs in Nepal..

There is also an urgent need to rehabilitate[58] the IDPs staying in slum areas and congested camps in socially, economically and environmentally appropriate places. However, environmental dimension in the IDPs mass settlements and camps that lead to

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[58] Rehabilitation is a full or at least partial restoration of degraded landscape and impaired ecosystem services to their stage prior to the arrival of IDPs.

crisis is largely ignored so far in terms of the ability of these areas to sustain basic ecological and environmental services.

Despite the fact that the IDPs are facing lots of problems in relation to their livelihood, the government has not been able to address these problems to the extent of fulfilling the minimum basic needs as defined by the international organizations (UNHCR et. al. 2006). These problems are related to unhygienic and congested living conditions,, inadequacy and lack of basic services, unfulfilled basic needs, under un-employment, denial of education to their children, psychological trauma their economic problems, displacement caused by landmines implanted during the conflict, etc. These are the prevalent problems now that will continue to reverberate for many years to come in Nepal. The effect of disruption in education, breakdown of livelihood and social network, and their poor mechanism to cope with these problems is making the displaced population more vulnerable. This presents both difficulties, as it can be an opportunity to the IDPs in the host community. The dilemma lies in finding out and minimizing the difficulties and maximizing gains from the opportunities provided by the urban environment.

There are of course, all the negative effects of being a displaced person forced to live in an unknown place and to an urban or peri-urban area- which again have their own individual drawbacks in comparison to the rural area (if we are to argue as such). But the urban habitat, which refers to a combination of tangible and intangible elements that make a given environment suitable for human beings to live there [59], can also be seen to contribute positively to gain their livelihood for the IDPs. Urban habitats can be considered to offer a wider range of opportunities such as better mobility, availability of expertise, and finding platforms to sharpen one's expertise and individual skills for making better livelihoods, and to get better education, health facilities and so on to them.

Displaced people may also perceive in this new environment an opportunity to broaden their horizons or enlarge on their

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[59] as defined by NCCR-North South see http://www.north-south.unibe.ch/content.php/page/id/72 for details

perspectives, which in turn may result in positive changes with regards to their social norms and values as well as in acquiring a new insight to develop their existing human capitals. Such opportunities specifically for the displaced people are also provided freely by different organizations (GOs/ NGOs and INGOs) working in urban areas.

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CHAPTER 6

Land Reform and Exclusion of Poor People

Jagat Basnet

6.1 Land Questions

Firstly, by land reform, it is widely understood to be a process of confiscating someone's land and award it to other people in Nepal. This kind of understanding is rooted not only in the members of the general public, but also among the renowned leaders of all the political parties and members of the National Planning Commission (NPC). Land reform is an important factor for improving the economic status of a country, to establish social justice, and alleviate poverty. It is essential to understand that land reform is important not only for the landless/tenants and poor farmers, it is equally important for the landlords, industrialists and the rich as well, for improving the rural industry, achieving economic growth , and for attaining peace in Nepal.

Secondly, when land reform issue is raised to the political leaders, by the public the leaders ask back: "where is the land for distribution?" and "it is not possible to stretch the land". Most of the leaders repeated these very versions during the sit-in- protest held in front of, the political parties offices by the tenants and landless farmers from 15 - 26 May 2007. Of course, land cannot be distributed to all people, much less to be distributed equally to everyone. So land reform is meant for those people who toil the land; they should have rights over their land. Those who own the land, but do not till it because they are involved in a non-agricultural occupation should be given only enough as domestic estates.

Thirdly, while talking about land reform, it is understood to be a problem relating to the squatters and land encroachers and not a

problem relating to people who have toiled the land since decades and who do not have any alternative occupation outside their land. Another thing, popular land reform does not intend to make farmers into landlord, it only intends to make them more resourceful, with greater social justice and to achieve social inclusion by this means.

Fourthly, it is not realized that land reform does not only deal with the distribution of land, it also deals with the issues of effective land management, land administration and all land reform processes interrelated with the agricultural revolution. Land reform is the first step in purging social disparities in the society, abolish class discrimination, and to alleviate poverty. Thus land reform is essential for the establishment of democracy and for assuring the rights of all the citizens.

The questions of land reform are directly linked to the political economy of Nepal. Still, those who are in power and control of state mechanisms are the landlords. The political parties, governments and the civil society were not concerned with economic transformation or with the land reform because of historical reasons of a power nexus.

6.2 The Historical Process of Land Controlling

In the past, the Royal family and the Rana Family had control over all the arable land in the state as their personal property; the rulers distributed these lands to their relatives and supporters in the form of *Birta*[60]. *Jagir*[61], *Raikar*[62] and the Trust land. The arable land of Nepal was limited to the Royal family, the Rana family, the Royal Commission officers, and to some high ranked government officers, their relatives and their priests. To give an example, Mathvar Singh Thapa had received 111 hectares of land in the hilly regions and 24,697 hectares of land in the Terai regions *Birta* or a

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[60]   Land grant made by the state to individuals, on an inheritable and tax-exempt basis was abolished in 1969.
[61]   Raikar lands assigned to government employees and a functionary in lieu of their emoluments was abolished in 1952.
[62]   Lands, traditionally regarded as state-owned on which taxes are collected from individual landowners.

free gift from King Rajendra. Till 1950, around one third of the total land had existed in the form of *Birta* on which most of the elites and people of the non -agricultural sector had control. Especially during the time of Bir Shamser and Chandra Shamser, huge areas of land were distributed to the bourgeoisie, who converted most of the *Birta* land in their personal names. Many members of the Rana family gave away land to their relatives. According to a report published recently by the Royal Land Study Commission, the royal family possesses more than 50,926-8-1 ropanis[63] or 2,546.3 hectares of land. In order to keep getting support and protect their regime, they gave away arable land to people not involved in any agriculture occupation. Thus most land came to be owned and controlled by the non-agricultural people. The system of landlordism was thus brought about. Even today, most of the land and political power is controlled by the few elite landlords.

In order to protect their regime and their power, the Shah and the Rana family appointed the offices of the *Chaudary*[64] and the *Jimdar*[65] in the Terai, and the *Mukhiya*[66] and *Dware*[67] in the hilly regions to collect land tax for them. All these people developed as a class of land collectors. They collected more tax than was fixed by the government from the poor farmers, got rich and came to control most of the arable land. When the tax in kind policy was changed into cash payment, they became village money-lenders and transferred farmers land in their names. Cultivation by encroaching on the forest land by the poor people formerly was measured in the name of the Mukhiya or the Jamindar. We can give example of Ashigram Village Development Committee in the Dadeldhura district for this. The Dalits in this village were living near the forest that had suitable arable land .In 1975 the land survey committee for land measurement came in this village and stayed in the Mukhiya's house. The members of the committee

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[63]   Ropani is a unit of land measurement in the hill districts, 20 ropanis make one
       hectare of land.
[64]   A village head appointed by the government to settle disputes in the Terai
       regions.
[65]   An individual responsible for land tax collection at the village level in Terai
region.
[66]   A village head appointed by the government to settle disputes in the hill regions.
[67]   A village head appointed by the government to settle disputes in the hill regions.

converted all the Dalit's land in the name of the Mukhiya. Overnight, they turned all the Dalits into tenants. The same Mukhiya was also elected as the chairperson of the same VDC, and the Dalits were made as his Haliya. Thus the Mukhiya controls the poor Dalits. Such examples are found to occur in each and every Village Development Committee of Nepal practically. Even, today, people who work hard to develop and till the land are being controlled by the Jimuwals, the Chaudharys, the Jamindars and the Mukhiyas, because the latter group can still influence political powers at different levels.

Money lending is also used as a means of indirectly snatching away the land from the poor. From the time of the Rana regime, Jimbuwals and Mukhiyas started giving loans on high interest rates to the poor farmers, and when they were unable to pay back the debt they took away their land. Such a practice still prevails in many rural areas. Before 1950, land was in the control of the Ranas and the Shahas, and after 1950 it has been in the control of the village landlords and of the market. The slogan "Jasko Jot Usko Pot (Land to the tillers)" raised by the political parties has just remained a joke. Due to the existing power relation in land, political parties too could not come out of the power of the landlords. In the process of recent economic development, the state's land policy and program has slowly converted the Janajatis and the Dalits into small or landless farmers. So the number of absentee landlords has increased. After 1950, due to an increased urbanization, land price soared up, so that poor farmers could not purchase land, while only the rich people purchased more land. Land remains controlled either by the landlords or by the market and not by the state these days. Due to an increase in the price of land, small farmers and poor people are getting slowly displaced from their land.

It is mostly the Dalits and the Janajatis who are being excluded from the land. This phenomenon is also linked to power relation connecting the royal families. The household staffs of the royal family were not dalits. As a result, dalits did not get any land as gift from their royal masters. Mahesh Chandra Regmi received no gift of land from the royal family because for writing books and articles regarding the inequality in Nepal's land system by

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highlighting the feudalism of Nepal. Because of this, the royal family did not have any liking for him anymore. In Nepal, the ruling class had influence on the country's economy and politics, as they made bonded labour of the landless people.

Historically, the *Haliya/Haruwa*[68] system evolved with the state's policy to distribute land to its functionaries and service providers; such people used to be the dependents of the royal family, army men, priests, and so on. Under this system majority of the people lost their land to the royal functionaries and were forced to provide free service, (the Jhara) to them. The Dalits and the marginal farmers were the ones who provided such services. This gradually changed overtime; the landlords needed permanent plough men for their fields instead. The Dalits employed as Haliya/Haruwa and Charuwa constitute the highest in number.

Dalits both in the terai and the hills are a downtrodden and a marginalized lot today. They are denied access to land which is a common denominator of marginalization and pauperization in Nepal.

The important factor to be highlighted is that Nepal's democracy could not be of an inclusive kind. For example, in November 1950, the revolutionary government declared an end to the *Batiya* (share cropping) and the Hunda (contract system of grain payment) system and distributed all such lands to the real cultivators in western Nepal. It must be held as a revolutionary step in the agrarian history of Nepal during the Rana period. But unfortunately, the democratic government formed after the tri-partite agreement signed in New Delhi ordered the return of all such land to the landlords (Thapa, 2000). This showed how democracy could not be inclusive and was not in favour of tenant and landless farmers. As a result, those who were the real tillers of the land were being excluded from getting rights on their land during the time and every democratic government. Before 1951, 7,00,000 hectares of cultivated land was *Birtaland*; 9,63,500

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[68]   Literally, Haliya/Haruwa is a male who ploughs his master's field. Such a
        ploughman is called Haliya in the hills and Haruwa in the plain.

hectares as *Raikar land*, 40,000 hectares as *Guthi*[69] land and 1,46,330 hectares as land under Jagir, Rakam[70], Rajya[71]. This shows that 50% of the land was under the control of the absentee landlords[72] (Bhattarai, 2003). Even the democratic government that comes after 1990 brought a landlord-oriented land policy in the name of eliminating a dual ownership of land. With this policy, about 4, 50,000 tenant farmers whose daily livelihood depended on farming were deprived of their land rights (Badal, 1995).

The table below shows that the landlords gradually deprived the tenant farmers from their tenancy rights and put them back in their subsistence status. In the recent years most landlords, even those at the middle level, are not involved in farming occupation, but still have control and ownership over the land, although they are either in business or in the service sectors.

Table 6.1: Percentage of Tenant Farmers and Areas Covered by Tenant Land from 1961 to 2001

Description	1961	1971	1981	1991	2001
Total tenant households	40.4	19.0	9.5	15.9	12.2
Area under tenancy	25.5	15.9	6.2	8.5	8.7

Source: Ministry of Land Reform and Management (2006)

The socio-cultural institutions were shaped by the unequal distribution of the productive assets, the patron-client relationship between landlords and peasants and by the caste structure. As ownership of means of production was a fundamental factor to the politico-economic power, Nepal's rural economy was characterized by massive inequality in the distribution of land. This caused the concentration of power in the hands of a few (about 4 percent) big landlords. These landlords control not only the rural economy but also the political and social life extending from the village to the national level (Khadka, 1994).

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[69]   An endowment of land made for religious or philanthropic purposes.
[70]   Unpaid endowment of land made for religious or philanthropic purposes.
[71]   Same like Rajya.
[72]   Those who were not actual tillers, but had ownership of land.

6.3 Present Situation

The women of Tilki Tol of Dhangadhi municipality told us that, their husbands in Mumbai wash dishes, but get scolded and beaten by the Indians. They do not tell much, but feel a grieved that they are not recognized as *Kamaiyas*[73]. In India they are treated as nothing better that a bonded labour. Every time, the development programme came to their door-step, it came only to benefit the Kamaiya and nothing to help the squatters and the landless Dalits. The Dalits had been evicted more than once by the landlords and the government from their houses. So, they too are displaced people, who do not have land. They said they were willing to go away, if they were land elsewhere. The government regards them as encroachers, but they do not care to know about their plight. The Kamaiyas have got at least a shelter, but every time the Dalits were evicted, they became houseless and landless people. Those who had relations went to stayed with them, but the other have nobody to support them. So they settled on public land. Most of this land was also seized by landlords with only a limited land (few bighas) left to them. But the government wants to evict them even from it.

The above case illustrates that, most of the Dalits are landless or nearly landless people. Even those who own some land cannot survive on the production of their farm. Often, what they own is an inferior quality of land. If they are deprived of land, they still have to depend on agricultural activities for their survival, as share croppers and as Haliya/Haruwas and Charuwas.

Since the poor people are illiterate they cannot have any alternative occupation. Hence they are solely dependent on agriculture, both among, the Dalits and the non-dalits. Livelihood diversification among the Dalits and marginal farmers is very much limited. Such a constrained access to the occupational opportunities compels one to rely on the mercy of the landlords. This context weakens the labourers' bargaining capacity as well as their access to the open

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[73] Bonded labour mostly existed in the mid and far western regions of Nepal and among the Tharus. Government of Nepal abolished this system in the year 2000 AD

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labour market. Consequently, the landlords always get an upper hand in negotiations.

The Haliya/Haruwas and the poor, are always in a disadvantage position. On top of that, the changing landownership pattern of the recent times indicates that the Haliya/Haruwas and the poor farmers may have to face even more insecure situations. The following table (Table 7.2) shows the changing landholding pattern of the cultivated land in the last 20 years.

Table 6.2:   Farm Size Distribution of Cultivated Landholdings in the Terai from 1981 to 2001.

Category	% of total holdings			% of total area of holdings			Average holding size in ha		
	1981	1991	2001	1981	1991	2001	1981	1991	2001
Less than 0.5 ha	45.6	37	45.4	2.8	6.6	10.5	0.09	0.22	0.22
0,1-1 ha	13.0	21.6	22.9	6.5	12.4	17.2	0.74	0.7	0.71
1.0-3 ha	27.6	32.9	26.7	33.1	44.3	46.2	1.77	1.66	1.63
more than 3 ha.	13.8	8.5	5.0	57.6	36.7	26.1	6.15	5.31	4.9
3-5 ha	8.0	5.7	3.5	20.6	17.3	13.9	3.81	3.76	3.73
Above 5 ha.	5.8	2.8	1.5	37.1	19.4	12.2	9.33	8.4	7.63
Total	100	100	100	100	100	100	1.47	1.23	0.94

Source: Central Bureau of statistics, National Agriculture Sample Census, 1981, 1991, 2001; RP Yadav, May 2005. Land Tenure Situation in Nepal.

Hence, the size of cultivated landholding has fragmented more over the years, which demands less member of agricultural labourers, consequently limiting the work opportunities for the unskilled agricultural labourers, creating thereby, a situation in which there is more supply than demand. The Agricultural Perspective Plan too did not bother to spell out any tangible recommendation with regard to agricultural labour contracts, protecting the rights of the agricultural labourers.

The farmers do not have landownership right on the land they have been living since 1950. Seventy families of Banke were share-

croppers but today they have been made landless. One day suddenly 18 hectares of land on which poor farmer had toiled for decades previously were ploughed by a tractor of the landlord. They were told later that the landowner had given the land to a local contractor for vegetable production. Poor farmers always worried about feeding and clothing their children but now they had to leave their shelter with all doors were closed to that family. A victim, Hariman Budhathoki, told us: "in 1973 we reclaimed the forest land and lived in this land, but today we have become landless. It is sheer injustice. Please provide us justice ". This condition was it is the elite class who always oppressed the poor farmers for creating such a condition. Right now, these kinds of people control the political parties and the parliament.

According to the land Act of 1964, the Jamindari system has been abolished. It is however, still in practice in many parts of the country. Due to a lack of commitment from the government and political parties, they could not put in action.

Today, the possession of land by individual families has dropped from an average 0.96 hectares in 1981 to 0.80 hectares in 2001. According to the government records, there are a total of 33,64,100 farmer families, out of which 83% have single land ownership, and 16.62% tenants. However, the research carried out by the Asia Pacific Region Bureau in 2005 mentions that among the total number of farmers 71% work the land of others. It is also mentioned that out of this numbers most of them are unregistered tenants.

Land and agriculture have played a important role in Nepal's social, economic and political life for centuries. Around 90 percent of the people in Nepal are engaged in agricultural activities. Agriculture contributes around 40 percent of the GDP and provides employment to around 80 percent of the people-the highest percentage among the countries of South Asia. Of the 23.1 million people of Nepal, the mountain and the hill regions host 7.3 percent

and 44.3 percent of the population, respectively, while the Terai land, which is considered a rice bowl of the country, hosts 48.4 percent of the population[74]. The distribution of agricultural land by region in the mountains, hills and the Terai is 6.8, 40.4 and 52.9 percent, respectively[75]. Crop production, livestock and the forest contributes 60, 30 and 10 percent of the total agricultural output, respectively. Current laws prescribe a land ceiling of 10 bighas (6.3 ha) of land for the Terai, 50 ropanis (2.54 ha) for the hills, and 20 ropanis (1.1 ha) for the Kathmandu valley to a family[76]. But this is not enforced in practice so far.

As a result of the open market and the new financial institutions, most of the land has gone under the control of these institutions. In case the loan is not paid, land is auctioned off and the poor become landless. The land system today faces some exogenous pressures as well. Conversion of land for non-agricultural purposes is happening due to expanding urbanization and industrialization. The introduction of exotic varieties of crops replacing the indigenous ones and reduction of subsidies in the agricultural sector goes against the interests of small farmers.

6.4 Power Relation of Land Controlling

During the Rana regime and the Panchayat era, there had been an inter-relationship between the landowners and the Mukhiya of the village, which is still prevalent today. The local landlord helps the landlord at the centre in getting him votes during the time of election, while the landlord at the centre offers gifts to the latter, such as goat, fruits, vegetables, and so on. The bigger landlord helps the local landlords to establish their status in the political parties and in the central government. There is also a vested relation between the central landlord and the local landlords for

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[74] See CBS/HMGN, Statisticsl Pocket Book 2002.
[75] National Sample Census of Agriculture 1992.
[76] See Ananda Mohan Bhattarai, "Environmental Management of the Himalayan Watershed: An Inquiry into Land Related Policies and Laws of Nepal", 16 NLR 1&2, 2003, p. 108.

dominating over the poor, and arrest farmers who advocate on behalf of the land rights to the poor. The local and the central landlords can influence on the kind of land improvement policy, rules and programmes to adopt and implement, and how the staff is to be mobilized? Therefore, till today land policies and programs have not been working in favour of the landless people. Due to this class relation, the people who till the land and are affiliated with agriculture do not have any land of their own, while the non-agricultural people posses' large chunks of lands. This is so because they are connected with political leaders and people in high level offices. The central landlord and the village leader or the village landlords have both reaped off the farmers' grains, and the same grain is later given as loan to the poor farmers. The Haliya, Haruwa/Charuwa and Kamaiya system got created in this way and is still in practice in most rural areas. The situation has not altered due to the continuing power relation between the local and the central landlords.

A study report by the CSRC and ILO in Siraha, Saptari and Dhanusha districts indicated that 58 percent of the Haliya/Haruwas and the poor work in the landlord's land/house just individually, while 42 percent of them work with their families. In the case of the Dalits, 37 percent of them work individually whereas 31 percent of them work with their entire families. Most often, son or daughter of a Haliya or Haruwa work as a Charuwa, and the wife works as a housemaid. Sometimes, they have to work unpaid or at a low wage. One time meal is provided to them. Of the 68 percent Dalits, 58 percent live in their own house, and the other 10 percent live in the landlord's house. The poorer Janajatis also live in their own houses, whereas 23 percent of the non-dalits live in their own houses. 2 percent of them live in the landlord's house or farm. 5 percent of the Muslims live in the landlord's house and 1 percent live in their own house.

The structure of landlordism shows how landlords control the poor people of Nepal.

Figure 6.1: A Structure of the Landlord System of the Terai of Nepal

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                    ┌─────────────────────┐        ┌──────────────────┐
                    │      Landlord       │◄──────►│  State/policies  │
                    └─────────────────────┘        └──────────────────┘
                              │
                              │                     ┌──────────────────┐
                              │                     │      Market      │
                    ┌─────────────────────┐         └──────────────────┘
                    │ Munsi (Record keeper)│
                    └─────────────────────┘        ┌──────────────────┐
                              │                     │  Social position │
                              │                     └──────────────────┘
  ┌──────────────────────────────┐
  │ Hatway (subordinate of munsi) │
  └──────────────────────────────┘
                              │
                    ┌─────────────────────────────┐
                    │ Laguwa (monitor of ag. labours)│
                    └─────────────────────────────┘
                              │
                       ┌─────────────────────┐
                       │  Haruwa (plougher)  │
                       └─────────────────────┘
                              │
  ┌──────────────────────────┐
  │ Charuwa (person who look  │
  │      after cattle)        │
  └──────────────────────────┘
                              │
                    ┌────────────────────────────────────┐
                    │ Tahalu (Serves food to labour) Jan  │
                    │     (Paid agriculture labour)       │
                    └────────────────────────────────────┘
                              │
              ┌─────────────────────────┐
              │    Mestar (sweeper)     │
              └─────────────────────────┘
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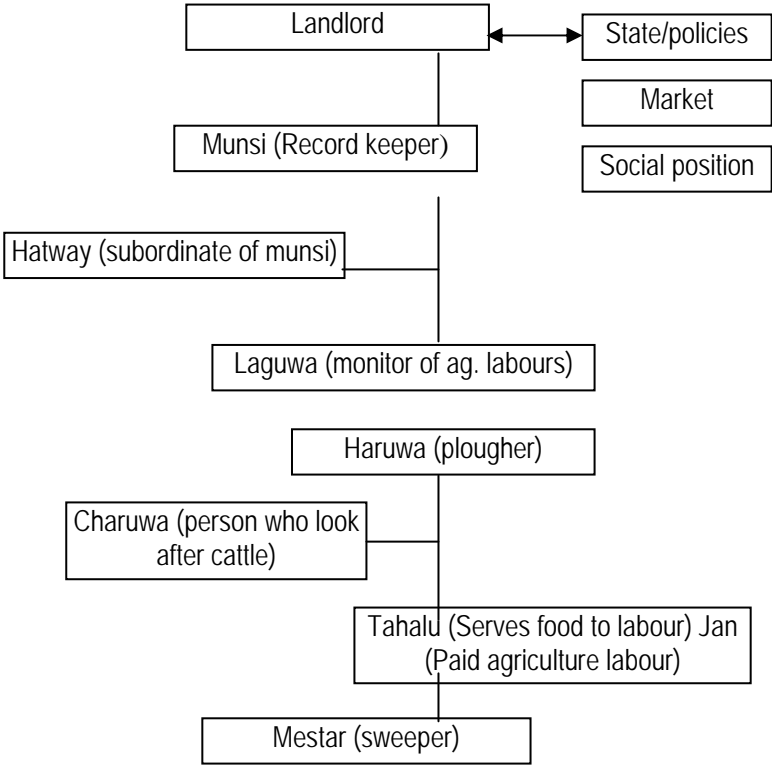
The above figure illustrates the organisational form of the Haruwa/Charuwa system including some other forms of the tenants and landless farmers, in particular, in a production unit at the household level. The landlord constantly maintains his relation with the state and political organisations at the local or national level, to secure power and authority. It is often the case that most of the elected representatives are themselves the landlords or the close kins of them. At the same time, a landlord also has links with the market for buying and selling of his farm products. This also tends to favour the market landlords because of their connection with the state and political powers. Likewise, they project themselves as social persona, or social workers, benevolent to the

poor, regularly performing religious rituals, and giving donation to charity organisations, and so forth.

Landholding is not a matter of individual choice but a consequence of the power structure characterizing a society. If we analyze the pattern of landholding in Nepal, it is apparent that the so called upper castes hold the major portion of the land in terms of race, gender and wealth – in short, in terms of class. The Dalits, the women and the poor farmers have been deprived of the access to land and its ownership. The social power structure and state mechanisms are responsible for widening the gap between the poor and the rich due to an unjust and inequitable distribution of natural resources, especially land. For example, there were less than 0.5 million landless households in 1991, whereas this number has reached over 1 million in 2001 (Census 2001). According to a CSRC sample survey held in 11 districts, there are about 700,000 tenants who are tilling the landlord's land, but the government is not serious about giving them their land rights. No one by choice would like to remain landless or live in a state of poverty, but unjust socio-political circumstances oblige them to do so.

6.5 Rational of Reform in Nepal

Land ownership remains the main source of wealth and social status, as it is also the source of economic and political power in Nepal. However, people who actually toil on the lands are those who enjoy the least rights. For example, the Haliya, Gothalas, Bhariyas, Kamaiyas, tenants, poor farmers and the landless Dalits who work the land are among the poorest in the country. In addition, progress in agricultural reforms is slow and proceeding at a less than expected rate because of the exclusion of cultivators from enjoying their land rights.

Land Rights is also a Human Rights issue, because it is directly linked with a person's right to food, shelter, and citizenship, his access to services and to benefit from development. But in the case of Nepal, most of the development agencies do not see this issue in this perspective. As a result, the situation of human rights is getting worse day by day. Most of the human rights champions have been looking at the problem only from the physical violence side, but

not from the side of the structural violence; tenants and landless farmers are being evicted by the landlords or the state everyday, but no one care to give much thought to this. People do not take this to be a violation of the human right.

The United Nations Charter and the Universal Declaration of the Human Rights (article 25) have recognized the fact that having access to and control over livelihood resources are the human right of individual citizens of a country. Likewise, entitlements to livelihood resources as a matter of human right have further been emphasized by the International Covenant of Economic, Social and Cultural Rights, 1976 (article 2 and 3) ,and by CEDAW. Since the Nepal government is a signatory to both the treaties above, it becomes an obligation on the government that it arranges all Nepali men and women to have access to and control over productive resources, especially to land, water and forest and for securing their lives. It is ironic that those who tend and work the land should have no control over its use. Tenants are the major contributors to agricultural production and the true managers of the land.

The current land distribution pattern has led to widen the gap between the rich and the poor in the villages and increase class tension and unrest day by day. Nepal has still to suffer from political insurgency, because of not addressing the land rights issue. The same tillers/peasants and victims of the unjust land rights have held the guns helping the conflict to fuel. So, in the present context, the rationale for having land reforms and granting of land rights can be said to be as follows:

Land Rights is a Human Right

All human beings should have access to land and all other natural resources. Those who tend and work the land should have control over its use. Tenants are the major contributors to agricultural production and are the true managers of the land. Thus the tillers/tenants should be able to put claim to their land as part of a human right.

a. Land Rights is a Key Empowerment process for the Tenants and Landless Farmers:

Ownership of land brings both social and economic power to the tillers/tenants and the landless farmers. The level of poor farmers' political participation depends on his owning the land. Only farmers with independent land rights can lend their forceful voices in any public decision making process.

b. Land Right Ensures a Sustained Source of Secured Livelihood:

Land is the primary and sustained livelihood source in the rural context of Nepal. Rural farmers' land and ownership rights and their control over the use of land can strengthen the base for an overall rural population's livelihood system.

c. Land Right and Gender-Sensitive Land Reform Enhances Productivity:

Even after an end to the system of landlordism, the breach of occupancy ceiling has hindered land productivity. A gender-sensitive land reform can keep all these problems in check.

d. National Development and Agricultural Productivity:

Without a pro-poor land reform policy, agricultural production cannot be increased. Without an increased agricultural production, the agriculture sector cannot make significant contributions in augmenting the national income. Since not much attention has been paid to the promulgation of a pro-poor land reform, the contribution of the agricultural sector has been going down every year.

e. Social Inclusion:

Those who have no access to land and are deprived of their land rights are also robbed of their entitlement to a share in the benefits of development, such as , getting loans from the banks, access to telephone, electricity, drinking water, and to benefits from growing different cash crops, like vegetables, pig raising, poultry farming, etc.

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6.6 Role of Different Institutions and Organizations in Securing Land Rights

Without making a collective effort land reform is not possible to achieve in Nepal. There is an important role to play by all stakeholders of Nepal in it. The major stakeholders of land reform in Nepal are the land less poor people, political parties, the state and the civil society. For an effective and viable land reform to materialize, the role of the stakeholders in it can be as follows:

a. *Deprived People:*
- Context analysis and identification of land rights issue.
- Set up their own organization and formulate the action-oriented plans for their mobilization.
- Debate, discuss and prepare the position to take on land rights issues.
- Develop leadership capacity to facilitate the land rights movement.
- Pressurize the government to formulate a pro-poor land reform policy.
- Formulate a draft of land reform policy, discuss it in public forums and submit it to the government and political parties for effecting necessary legislation.

b. *Civil Society Organizations:*
- Internalize the land rights issue as a prerequisite for a comprehensive development of Nepal.
- Make the land reform and issues of social justice and poverty alleviation and lobby the politicians and the political parties to support it .
- Organize and facilitate mass meetings in every village and district, and at the national level, to formulate a pro-poor land reform policy.
- Produce committed local activists and create human resources to campaign for the land rights movement across the country.

- Carry out researches and formulate pro-poor land policies. Provide important feedback regarding it to government and political parties.
- Ask them to include land reform issues in their respective programs.

c. *Political Parties*

- Make it a major agenda in the party manifestoes by identifying land reform as a pressing issue.
- Make the land reform issue an integral part of social justice, livelihood security and rural development.
- Organize the tillers and discuss the land rights issues and position with them.
- Organize debates and discussions from the local to the national level on the subject of land rights.
- Exert pressure to formulate a pro-poor land reform policy and for its speedy implementation on the state.
- Pressurize the government to implement policies on behalf of the tillers.

d. *Government*

- Make the land reform issue an integral part of social justice, livelihood security and rural development.
- Formulate a pro-poor land reform policy and programme, and implement it on behalf of the tenants and landless farmers.
- Bring all the stakeholders involved in the process of land reform and get their support to put it in action.
- Cement a partnership between the civil society and land less people and poor farmers for the implementation of land rights policy and programme.

6.7 Next Road

The present government and the Interim parliament should take the following action to ensure sustainable peace and livelihood

security .Inclusion of relevant sectors in political and state mechanisms is vital for it. Otherwise, there is no certainty of participation and inclusion of the deprived people in it.

a. The Interim Parliament should announce a program of land reform to benefit the landless, poor farmers, and direct the government to work on this.

b. The participation of the poor, the land-less, the Dalit, the agricultural labourers, the communities having insecure livelihoods and other deprived people of their rights in the process of Constitutional Assembly should be ensured. There should be a clear constitutional clause stating that those who are not dependent on land will not be allowed to keep land in the new constitution written in the process. Moreover, in view of international experiences, this right should be made to a legal right, so that the state can procure land for the purpose of its stated objectives.

c. A high level land reform commission or academy should to be set up participated in by the rights activists and specialists who themselves have no land of their own , to do homework on the kind of land reform to have in the country and the way to go about it. Its structure should be local in nature. And the management should be such that it is accessible to local people.

d. The local bodies should be given rights to implement land reforms and land management in the proposed restructuring of the state. There should be a provision that would allow the elected representatives to carry out the land reform in one's region in accordance with the new law and within a national framework.

Based on the past experiences in other countries, the next strategy to follow in this regard should be as follows:

1. Provide land to the people deprived of land, as per the agricultural census, 2001, and purge the Land Act 2021 that primarily favored the landlords' until now. A new

Land Act has to be formulated with radical changes in land reform.

2. Various ministries have formed different councils, commissions and institutions in the area of their jurisdiction, such as the Janajati Commission, the Human Rights Commission, the Women's Commission, the *Dalits* Commission etc. But, there is no Land Reform Council or Commission in a country where 65% of the people are dependent on agriculture. Under the natural resource management, the issues concerning land have been combined with the work of the agricultural and the cooperative committee, so that the importance of the land issue gets undermined along with the committee that looks after it . Land reform should be done keeping social justice, livelihood security, and economic development of poor farmers in mind. For this, Nepal government should first form a high level commission to carry out the task of a sincere land reform in Nepal. Such a land reform should have two objectives; the first is to utilize the passive capital and labour living in the land and agriculture sector for the industrialization and commercialization of the rural areas. Secondly, land should be distributed with the aims of dispensing social justice, providing livelihood security, and securing human rights to tenants and landless farmers and to make the country economically prosperous.

3. Land ownership for those people who are not involved in the agriculture sector must be abolished. Land title should belong to the people who till the land, and to those who will use the products and income from land in the agricultural sector. Income from agriculture should not be allowed to go in the non-agricultural sector, which means that income from land should not go to support the non agricultural people or family. Right now, the farmers till the land, but non- farming land owners enjoy its products. Land reform means more than just a land distribution; it should improve a farmer's livelihood and his social security, and lead to economic development and social justice in the country.

4. There should be a declaration by the parliament that no eviction of tenants and landless farmers shall be allowed. Farmers should be assured of their tenancy rights, and a programme of redistribution of land to those who till it should be launched soon.

5. Land reform is essential for increasing people's purchasing power. There should be a maximum and minimum land ceiling to prevent concentration and fragmentation of land. There should be a plan for the distribution of land under a revolutionary land reform. All farmers should be linked to an agriculture cooperative. The present practice of regarding land as an ancestral property should be eradicated. In Japan, it is cheaper to buy land than to claim it as an ancestral property.

6. The major part of the budget of the country should be spent on the land reform, and this sector should draw up periodic plans. When Somalia introduced a commercialized or revolutionary type of land reform, Somalia had to face famine within one decade. All the traditional cattle-based agriculture got destroyed and soon famine hit the country. Taking lessons from it, Nepal should first take all the necessary measures to protect farmers while taking steps for a radical land reform.

7. The arable land in a district should be brought under its control, and not under the central government. There should be a constitutional provision not to grant any compensation for absentee landlords but only to small and middle level farmers; landlords with immense amount of land should be deprived of such compensation.

8. If land is distributed among the non-agricultural people, class or occupation it will defeat the purpose of land reform again. Land production will be decreased. Land reform should be seen through the eyes of social justice and livelihood security for the poor, and not just through the eyes of productivity. The government and political leaders have tried to evade a revolutionary land reform, and talk instead of a scientific land reform. The class oppressors do not want to listen to a people's model of land reform. The issue is not a scientific or a modern or a

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revolutionary land reform, it is simply providing land ownership rights to those farmers who actually till the land and give them social security as well as social justice in full.

9. Justifiably, rehabilitate all land-deprived Dalits, Kamaiyas, Haliyas and Haruwas by providing them with fertile land and with the management of one family-one employment for everyone.

10. Design a land ownership certificate with a PIN number on one family, one property basis across the country for the husband and wife jointly to ensure gender equity.

11. Make legal provisions, ensuring establishment of communal rights of the resident lessees, who have been taking care of the community land (Charan, Khuriya, etc.)

12. Provisions should be made so that a foreign international company is not able to own any land in Nepal and

13. The poor always seem to be in a predicament from disagreement over land. A land court should be established to settle land disputes and land related cases without prejudice.

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CHAPTER 7

Access to Land Resource:
Dalits and their Livelihood Insecurity

Purna B. Nepali

7.1 Background

Land is a broad indicator of socioeconomic status in an agrarian society like Nepal (The World Bank, 2006). It constitutes a fundamental productive asset (Ellis, 2000), the principal source of livelihood and power, a means of pride, dignity, prestige and a symbol of prosperity (CBS, 2002; CSRC, 2001; ICIMOD, 2000; Regmi, 1999; Upreti, 2004). Endowed with these characteristics being, and also a fundamental economic asset, it can reduce vulnerability and build resilience against poverty. Land is not only a productive agricultural asset, it may be of potential advantage in a local labor market (e.g. through increased bargaining power), and in international labor market (e.g. as a collateral to obtain loan for migration). Land ownership may serve as productive and entrepreneurial activities (both observed and unobserved) (The World Bank, 2006).

In Nepal, political and economic power was consolidated by the upper castes, interlinking it with the Hindu caste system. The priestly *Brahmans* were at the top of ritual order, with the *Kshatriya* (kings and warriors) just beneath them and in control of the political order; next came the *Vaishya* (merchants), and the *Sudra* (peasants and laborers) came at the bottom. Beneath them all were the occupational groups, considered as "impure", and untouchables, and today as *Dalits* [77]. In the Hills, in-migrating

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[77] The term *'Dalit'*, is understood to refer to the untouchable or *Achhoot* or the term connotes in the sense understood by the Old Legal Code of 1854, **"Pani nachalne chhoi chhito halnu parne jat"** (caste from whom water is not accepted and

Hindus of Caucasoid stock made up the castes of priests and warriors. The middle rank was made up of indigenous groups-the Janjatis-generally of the Mongloid racial stock. Officially abolished in 1963, caste based discrimination, although diluted, remains in practice even today. The Dalits are not only at the very bottom of Nepali caste hierarchy, they are also economically poor. Their per capita income and HDI of Dalit is at 39.6 $ (against the national average of 210$) and 0.239 (against the national average of 0.325) (NESAC, 1998). Caste-based discriminations of over 200 forms are in practice against Dalits, and this discrimination is more entrenched in the country's less developed areas, especially in the Mid- and Far-Western regions (DFID, 2005).

7.2 Distribution of Land

The land distribution in Nepal is skewed and inequitable. The UNDP Human Development Report 2004 (HDR, 2005) reveals that the bottom 47 % of landowning households own 15% of total agricultural land, with an average size of less than 0.5 hectare (ha), while the top 5% owns more than 37% of land. The report of WINROCK International (2005), quoting CBS data, traces historical changes in landholding as follows: The number of

whose touch requires sprinkling of holy water) (Dahal *et.al.* 2002). The concept of Dalit, in general, is used to identify the vulnerable and poor groups who are put in the lowest rung of the status hierarchy (caste system). In most writings, the term is also used to identify a group of people who are "oppressed", "suppressed" and "exploited". Some tend to indicate the association of the term "Dalit" to the Nepali/Hindu word *Daldal*, meaning swamp. Those favouring these meanings see the Dalit as those people who are living in swamps, coming out of which is difficult and tedious, if not impossible. The swamp in question is a metaphor for the socio-cultural milieus in which Dalits are trapped throughout history (Bhattachan, 2005). Further, Upreti (2004) mentioned that the caste structure is based on Hindu Varna System which divides people into four categories according to their occupational activities viz., *Brahmin* (learned people, priest), *Chhetri* (warriors), *Vaishya* (trader and agriculturist), and *Sudras* (engaged in menial services). Originally, it merely meant the type of work one does but gradually it became hereditary. This hereditary transformation of Varna distorted into present complex and rigid caste system in Nepal. Although the untouchability and discrimination on the basis of caste was formally abolished or outlawed by the 1963 New National Code, Constitution of Nepal 1991, and Parliamentary Declaration of 2006 in the form of untouchability freed nation, it prevails widely in Nepalese society even now.

agricultural land holding in Nepal in 1961 was only 1.54 million households as compared to 3.364 million in Nepal i.e. a 118.5 % increase over the period of 40 years. Similarly the total area of landholdings in 1961 was 1.685 million ha compared to 2.654 million ha. in 2001 i.e. 57.5% increase in a span of 40 years. Between 1991 and 2001, the number of landholdings increased by 23 %, while the total area of landholdings increased only by 2.1%. In 1961, individual landholding above 3.0 ha per household concentrated in 8% of households who owned 53% of total cultivated land; in 2001 this number fell to only 2.9 % of the households owning land above 3.0 ha, thus accounting for 17.3% of the total cultivated land, which is almost one third of the total area under this category, as compared to 1961.

The aforesaid macro data alone does not explain the state of landlessness in disaggregated forms in terms of class and caste. These statistics vary greatly depending in their sources. One-fourth of the total households (1,037,785 households out of 4253,220 households) own none or less than 0.1 ha of land (CBS, 2002). They are considered to be agriculturally landless people. The UNDP Human Development Report 2004 states that there are 24.5 % landless people and 7% semi-landless people (owing less than 0.2 acres). Adhikari (2006) states that there are 287 thousand farm families who are practically landless or have less than 0.1 ha land. There are 2.5 million farm families whose land ownership is less than 1 ha. This data shows that one third of the population in Nepal is landless. According to *Badal Commission Report,* there were 50000 people who were totally landless in the early 1990s. According to CSRC (2001), there are 1.02 million landless families. In addition, there are 0.45 million *Haliya* (cultivators) families.

Among the landless and the semi landless, *Dalits* constitute 13.08 % of the total population while the indigenous nationalities constitute about 37 % of total population. A significant proportion of terai *Dalits* such as the *Chamar, Batar, Mushhar, Dushadh*, and *Dom* are also landless people. Similarly, Hill *Dalits* such as the *Kami, Damai, Sarki, Gaine, and the Badi* are also landless people (Dahal, 2002), but the hill *Dalits* castes are also called marginal cultivators due to their smaller landholdings (Adhikari, 2006).

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Bhattachan (*et.al*. 2003) has noted that the *Dalits* in the Terai are synonymous of landlessness. Even if the terai *Dalits* do own some land either their land is infertile or is just what is occupied by the huts they live in. Dahal (2002) has noted that proportion of *Dalits* having no land or some marginal land (< 0.25 ha) to the non-dalits is considerably higher. The same report reveals that the average landowning per household among the *Dalits* is 0.12 ha of *khet* (irrigated land) and 0.225 ha of *Pakho* (dry upland). They found that untouchables (*Dalits)* have the lowest ratio of land holding (3%) as compared to other groups like the *Tagadhari* and the *Matawali*. The extent of land shortage is the highest among the untouchables (64%), compared to the *Taghadhari* and the *Matwali*.

Haliya system is a kind of semi-bonded laborer that is common in Nepal. The people under the *Haliya* systems, who are living miserable lives, belong to Dalit community. It is unofficially reported that the population of *Haliya* are around 300000 in Nepal, of whom 60000 are living in Mid- and Far-Western regions alone. Semi-bonded, caste-based exploitations and unfair wages are the common problems faced by the *Haliya*s (CSRC, 2004). There are 0.45 million *Haliya* (cultivators) families in Nepal. About 9 *Haliyas* in 10 have no citizenship certificate.

Similar to the *Haliya*, the other most deprived groups are *ex-Kamaiya* who mostly belongs to the *Tharu* community. Even though the state has abolished the *ex-Kamaiya* (a kind of bonded labourer system), the problem is far from being over. The *Ex-Kamaiyas* mainly lives concentrating in five districts of the western terai, such as Dang, Kailali, Bardiya, Banke, and Kanchanpur. The problem of *ex-Kamaiya* is still not resolved. The government policy is limited to distributing 0.15 ha to each *ex-Kamaiya* family which produces food barely enough to last for 1-2 months for a family with 8-9 persons. Consequently, their dependency for survival on the landlords remains essentially unchanged.

In addition, the other types of farm and household laborers include permanent farm workers, daily workers, periodic and semi attached laborers (like the *Haliya, Charuwas, Gothalas*, and the *Kamlaris* (young girls working as domestic help that is common among the Terai *Tharus*). From a gender perspective, men enjoy greater

power in terms of land ownership rights with 92% of land owned by the male population (UNDP HDR, 2005). Women have less than 10 % ownership rights on land, though they constitute more than 51 % of Nepal's total population.

According to the 2001 Census, most Dalits households (76%) own farm land, including rented-in land. More than 70 % of *Dalits* and non-Newar/Thakali Janajatis in the Hills reported owning some farmland. However, in the Tarai, only 68 % of Janajati and 63 % of the *Dalits* households own agricultural land. Moreover, nearly 79 %of the Musahar do not own any land, and 41 %of the Muslims are landless. Terai *Dalits*s have the highest proportion (28%) of households that are solely dependent on rented-in land for doing agriculture**.** The Hills have very few landless households, but the size and quality of the land varies significantly between the caste and the ethnic groups. Food self-sufficiency is much lower among the *Dalits* and the *Janajati* groups than among the *Brahmans*, the *Chhetris* and the *Newars* (The World Bank, 2005).

7.3 Why Dalits are Landless?

The data above reveals that the Dalits are landless, and their problem is acute. The reasons behind the landlessness of the Dalits are two fold: Historically, the Drabid people were defeated in war by the Aryan people, their skill and knowledge exploited and who were forced to migrate to different parts of the country and survive by selling their skill and knowledge to the community and nation. The vanquished Dalits were treated as untouchables by their Aryan conquerors. Now, Dalits are found living scattered everywhere. They have been trapped into bonded service providers to serve the big landowners and to live by their traditional caste based occupation by them. Such technology resulted in economic growth and capitalist development in other countries, but the Dalits' traditional caste based occupation still does depend on the use of traditional techniques for giving them their subsistence and livelihood. Lacks of modernization in caste based technology of the Dalits and a failure to orient into the market is responsible for their continuing backwardness. The traditional products of Dalits are unable to compete with the product of the multinational companies, and, hence, they can provide them little more than

subsidiary sources of livelihoods. Dalits became dependent on land for their livelihoods as suppliers of agricultural tools, but with no land of their own (Roka, 2007) Historical distribution of land vividly reveals that thousands of hectares of land were granted to military chiefs, royal family members, royal priests, and to other influential persons under Birta land-grant system. In Nepal, land has always been used as a powerful means to influence the politics. But the Dalits have failed to qualify under such elite category (Sharma, 2004).

7.4 Livelihoods of Dalits

This section describes first the livelihood strategies and outcome; and secondly livelihood institutions and policies for the *Dalits.*

7.4.1 Livelihood Strategies and Livelihood Outcome

The livelihood of *Dalits* is miserable due to their landlessness. Landlessness describes a person who is dependant on agriculture, but has got no land in his/her name or in the name of any other of his family member. Self-sufficiency in food is much lower among the *Dalits* than among the *Brahmans*, the *Chhetris* and the *Newars* (The World Bank, 2005). According to a survey report (TEAM Consult 1998), about 50% of the households surveyed had food deficiency. Dahal *et.al.*(2002), quoting Sharma *et.al.* (2002), has also noted that 21% of Dalit households produce food grains lasting less than 3 months, 19.6% lasting from 4-6 months, 15.4% lasting for 1 year, and only 5.1% produced surplus food grains. Food deficiency by geographic region among the Dalits shows that the highest proportion of Dalits which suffers from food deficiency (46.6%) lives in Terai, followed by Hill Dalits (43.3%) whereas the Dalits living in the mountain have food deficiency (10.3%) in the least. Annual income of the *Dalits* compared to the Matwali and other so-called higher caste groups is one of the lowest. Likewise, the expenditure incurred on items such as, clothing, education and medicines is also found to be the lowest among Dalit groups. More than 54% of their populations' practices agriculture, followed by service (15.7%), non-farm wage earning (14.2%), and farm wage earning (6.1%), and others. The main economic activity for the

majority of Dalits is as wage laborers. In addition to this, caste-based traditional work such as iron smithy, leatherworks; tailoring etc are also important economic activities pursued by the Dalits for their survival. Even today many Dalits groups living in the rural areas of Nepal sticking to their traditional '*Bali*' and '*Khan*' system with their clients for sheer survival.

Excluding the land, the other major source of livelihood for the Dalits is from sale of their traditional caste- based wares. Historically, Dalits have been practicing their traditional caste occupation and selling their products to their clients to make a living. In case of the Kami[78] group, they make new agricultural tools and household utensils of iron, such as sickles, knives, axes, hoes, spades, shares (plough tips) and nails. A gold smith or Sunar makes gold or silver ornaments on demand from their high caste clients' clients. Parkis are the basket weavers who make a variety of storage baskets and floor mats from bamboos. The Chunara black smiths group of the Far-western Nepal make utensil of woods. Damai[79] men and women work as tailors and make dresses for their clients and get paid in cash and kinds. The Sarkis[80] are leather workers who make shoes and other products from the skin of the dead cattle. Badis make nice earthen pipes for smoking purposes. At same time, Badis are singer and dancers traditionally. Badi girls and women are said to practice prostitution to make their living. The Gaines play on their traditional instrument, Sarangi and sings song to their tune. Chamar are the leather workers of the Terai. They make shoes and dispose off the dead animals from the houses of their clients. The Tantis are weavers and the Doms and Halkhors are sweepers, who clean public streets and toilets in the government and individual households. Dhobis are washer men by

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[78] The term Kami was increasingly viewed as a negative term so people in this caste group started referring to themselves as Bishwakarma, which has some in contemporary parlance to be understood as referring to the historically known as Kami.

[79] The Damai group is also called Pariyar. Historically, its exact origins are unknown; it is likely that the term came from the South Indian surname Periyar.

[80] Historically, when calling to people within caste groups with respect, the term Mijar was used. This term then came to replace the term Sarki itself and now is used in contemporary parlance to refer to the group of people who had historically known as Sarki.

profession and work for cash only. Chamar women also work as Sudenis or midwives. Though caste-based occupation is gradually changing now, this is still a major source of livelihood for the Dalits even today. As Dalits have little land of their own and are among the least educated people to train them in the modernization of their skill is the single most important alternative for them to strengthen their economy in the coming days.

According to Sharma et at (1994), cited in Dahal et al (2002), one of the main economic activities of majority of Dalits is wage laborers. The groups more involved in this activity are: Damai, Sarki, Gaine, Hudke, and Badi. Battachan et al (2002) also identified the main activity of the Dalits for survival is non-agricultural activities (51%), mostly wage laborer. Dependency on wage labourer has a direct correlation with the land holding position; the landless and those holding less than 5 ropani of land have no better option than to work on daily wage labour and agriculture side by side, because only one would not be sufficient for survival. So, Dalits have adopted multiple resource tapping strategies for their survival these days.

In addition to farm and household work, there are other sources of economy such as service, business, wage labor, remittances, etc open to people in Nepal. According to TEAM Consult Report (1998), cited in Dahal et al (2002), the mean income from service is found lowest among untouchables. The highest mean annual income group is made up of the Tagadhari (Rs. 33,130), followed by the Matawalis (Rs. 30,300) and the Untouchables (25,910). On the other hand, income from labour was found to be the highest among the Dalits, (72.4%), followed by Matawali (42%) and the Tagadhari (24.8%). In the Nepali society, the wage labor is done only by those who cannot make a living otherwise.

7.4.2 Livelihood Institutions and Policies

Services from the Dalits in their traditional skills are utilized in an ongoing patron-client relationship. Receiving the services of the Dalits craftsmen are mostly the so called high caste Hindu groups. The ethnic groups, and some Dalits as well. This system is known in different parts of Nepal by different names, such as *Bali Ghare*

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Pratha in eastern Nepal or the Khalo-*Pratha* in western Nepal and the *Khan* system in the Terai. The services of the Dalits are paid mostly in kind (grains) and only sometimes in cash, depending upon the amount of landholding and the number of the family members in the client family. In addition, each craftsman also gets his traditional share of food, vegetable, cloth, etc on social and festive occasions such as marriage and other rituals in the client's house. The client-craftsman relationship can be a temporary or a permanent one. Normally, this kind of client-craftsman relationship has to be renewed every year.

Haliyas are bonded agricultural laborers attached to their landlords both from customs and because of outstanding debts that have not been repaid, many a time going back generations. The haliyas are usually made of castes like the Kami, the Sarki, and the Damai. They work for their landlords to be able to pay off either loan they took and may be somebody from their ancestors took, and no matter how hard they work their landlords will find one or other reasons to keep the haliya bonded. During the off season in agricultural calendar, the haliyas, who are not needed in the fields, migrate to other parts of country, some times even to another country in search of other works. However, they have to return when landlords want them to return. However, they have to report to their landlords once the agricultural season starts or whenever their landlords want them to return. The life of haliya is totally controlled by his landlords and has to work as per whip of landlords. Though haliyas are usually landless, yet some have land of their own which is often mortgaged. This is usually true of the hill haliyas than their Terai counterparts.

Haliyas have worked as bonded agricultural labourers for the last hundred years and more. They continue to do this work even today in order to pay off their loan. Haliyas from Darchula have served the longest (105 years) of the bonded state, and are still engaged as agricultural labourers going back four generations or more. However, even after putting up hundreds of years of service, their debts remain still outstanding. In Darchula, each household has to pay, on an average, 11 thousands rupees.

Owing to these social and economic facts, the haliyas today are among the most impoverished communities in the Far Western Development Region of Nepal with a low literacy rate, poor health status, and sanitary conditions, and a low no social dignity.

Skewed and inequitable distribution of land has resulted in the formation of the various agrarian classes, enjoying different forms of power and agrarian social relations described by the patron-client, super-sub ordinate, a relationship of antagonism, mutualism, domination, exploitation, and discrimination (Thapa, 2000).This mechanism is regulated or maintained through the use of economic, social, and coercive power (Thompson *et.al.*1994). These agrarian relations are further distorted by the existing caste system. For example, the *Haliya* people are facing an additional caste-based discrimination from untouchability. The peasant community, especially from the excluded and disadvantaged groups, is facing greater hardship to eke out their subsistence. Contrary to this, land elites or landlords are getting richer at the cost of the landless labor. Upreti (2004) also notes the dominant form of power relation in rural Nepal is still the patron-client or superior-subordinate relationship, illustrating it with a case of the *Guthi*[81] land. For example, *Koirala* families of the privileged class have since several decades maintained a land-based patron-client relationship taking advantage of the various regulations, laws and threats to use power. The tenant farmers and poor people were made socially and economically to depend on them. Indeed, owner-tenant relationships in this case are characterized by two opposite tendencies: cleavage (confrontation over *Guthi* land ownership resulting in hostility, suspicions, and a deep-seated political division between the two groups) as well as interdependence placing them in a complementary role of each other. Further, peasants and poor people are still being exploited by feudal landlords and power brokers.

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[81] *Guthi* is a form of institutional land ownership of religious and charitable nature which has compounded the problems of land tenure and taxations. The state or *Birta* owners of the lands established religious and charitable institutions, such as temples, monasteries, school, hospital, orphanages, and house for the poor (Regmi, 1999a).

Owing to the facts and figures cited above, the situation for Dalits is miserable and vulnerable. I agree with the conclusions of Cox (1994), cited in Dahal et al (2002) 47 p:

> *"..... untouchables are caught in a vicious circle of economic cycle. They are unable to receive an education that would qualify them for a well paying professional position. This means that most of them end up working in their traditional caste occupation and/or as unskilled laborers, usually for a limited income. Consequently, they are unable to support their own children with adequate education and the whole cycle repeats itself."*

7.5 Loss of Livelihood- Livelihood Conflict

Ohlsson (2000) has used and defined the term livelihood conflict to describe a loss of livelihood due to scarcities of arable land and land irrigation water. Poverty results from a loss of livelihood, which in turn, is often caused or exacerbated by environmental degradation. Though, empirically, it has been difficult to demonstrate the link of poverty to environment factors, in and by themselves, thus is strong reasons for conflict. It has been argued that loss of livelihood often constitutes a missing link in explaining the current conflict pattern, and that an exposition of it will bring out the correlationship between poverty and environment.

The same report has also noted that while poverty may be near endemic in certain societies, the loss of livelihood makes a rapid transition from a previous stable condition of relative welfare into a condition of poverty or destitution. It is a rapid process of change, resulting in a sudden fall into poverty, which is more than endemic condition of poverty, this creates a potential for livelihood conflict.

The common feature of livelihood conflict is that the rank and file of the armed militias around the world are recruited from the cohorts of young men who have seen a rapid devaluation of their expectation as a result of the loss of their family livelihood, and from being forced to accept a much more lowly situation in society than they were entitled to as dignified men (Ohlsson, 2000). Young

women became harder victims from the loss of their livelihoods. It is reflected at the rate of school drop outs and in their taking up subsistence agriculture again. The loss of livelihood in subsistence agriculture mainly undermines the social security of women, their dependent and ageing family members.

Land scarcities denote the social effects emerging from the combined impacts of i) environmental degradation, shrinking of the imagined environmental 'resource pie', which is the arable land or an aquifer; ii) an unequal resource access that allows powerful segments of population to an indulge in the process of ' resource capture', resulting in an ecological marginalization and loss of livelihoods for a large, but weaker sections of the population. The end result of this vicious circle has increased social inequalities, a rapid increase in the numbers of the economically marginalized people, passing a direct threat to their livelihoods. The conflict mechanisms set in motion by this process lead to relative deprivation and the strengthening of bonds along ethnic, linguistic, national or regional lines in almost all societies which do not come into full steam until their livelihoods are directly threatened in a dramatic process of change (Ibid).

The case of Ruwanda proves the validity of livelihood conflicts approach in two ways: It constitutes the first full-blown genocide after the Holocaust, and Ruwanda was experiencing among other hardships a widespread poverty and loss of livelihood among its people, as a result of environmental scarcity. Environment scarcities became acute in the 1980s as an effect of soil degradation, and continuing high population pressures and inequitable land distribution. The resulting scarcity of arable land led to a high rate unemployment, leading to dissatisfaction among the poor peasantry, mostly in the southern region. The socioeconomic crisis converged with power rivalries for the opportunities among internal opposition groups, threatening legitimacy of the regimes. In a series of linked events, the author notes how environmental scarcities had not only influenced the

strategies and tactics of the political and military actors, but also amplified the political violence (Ibid).

According to Rizal (2006), a key factor triggering peasant war in the 20th century was subsistence desperation, the perception of revolutionaries that they had nothing more to lose and nowhere else to go. For example in China, Mexico and Vietnam, subsistence crisis and struggle for land by peasant cultivators followed years of deprivation, marginalization and abuse of dominant political interests. Bourguignon and Morrison estimate that inequality in land distribution accounts 17% of income inequality. The case of South Asia reflects very well that throughout the long period of agricultural modernization, and development has corresponded to a process of income concentration. Recent research by Denninger and Squire based on a sample from 108 countries led to the conclusion that 'an unequal income distribution is a strong determinant of future growth. On the contrary, unequal distribution of property assets, in this case land distribution, tends to reduce long-range growth and generate violence'.

Most of youths belonging to the Dalits, Indigenous people, the Madheshis and people from other remote areas have joined in the current Maoist insurgency. It is a fact that various kinds of socioeconomic inequalities, discrimination and exclusion are fertile breeding grounds for a growing insurgency and violence in Nepal. Though there is no empirical evidence to suggest relationship of livelihood conflict to loss of livelihoods in the existing violence, livelihood conflicts associated with discrimination and economic vulnerability of people might be one of the major causes to explain the ongoing insurgency and political violence. The youths joining in the insurgency might have been motivated by a desire to revolt against the social structure and inter-personal relationship, and by their economic deprivation.

7.6 National and International Provisions Against Bonded Laborers

This section describes the following national and international instruments that the state has to follow in relation to agricultural and non-agricultural laborers.

- In July 2002, bonded labor was banned by the government of Nepal with the provisions that anyone violating the ban will be jailed up to 10 years. However, even despite this, the study shows that Haliyas are still working for their as bonded laborers for their landlords.

- Nepal has failed to meet its international commitments. Having ratified the Slavery Conventions (1926) and Supplementary Conventions on the abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery (1956), Nepal has done very little to live up for the spirits of these conventions. The fact that Haliyas are still bonded by debt to their landlords proves the failures of the government to act effectively.

- Although, the Labour Act, 1992, essentially addresses the question of labor in the organized sectors but it is silent on the caste-based discrimination practised in the work places. People from the marginalized or the 'untouchables' castes, especially from the rural areas, are highly discriminated against and excluded from local decision making processes. These castes are prohibited to change their customary occupations and their customary, traditional roles. Even though the State has taken initiatives in the New Civil Code of 1963, the Constitution of 1990, and the Interim Constitution of 2007, and to remove all Caste based discriminations and to declare Nepal as an Untouchability Freed Nation in the recent Parliaments' Declaration 2006, caste discrimination is still in practice in different forms and is far from being effectively implemented.

- The Labor Act, 1992, has made provisions of minimal wage and conditions of work in the industrial sectors. But,

it does not include the agricultural sector, except in the case of some government land.

- A Recent in 2064, Supreme Court Verdict (Paramadesh) states that it is illegal to keep a Haliya in Nepal. There is also a provision of punishment, if anyone is found to keep such bonded laborers as a Haliya.

7.7 Provisions from Human Right Perspectives

Livelihood is one of the integral components of the Universal Declaration of Human Rights 1948. Under this international instrument, all people have the fundamental rights to dignified livelihood and labour protections. The human rights of all persons to get livelihood includes the following universal, indivisible, interconnected and interdependent human rights.

- The human right to work and receive wages that contribute to adequate standards of living.

- The human right to a standard of living adequate for the well-being, health and life of a person.

- The human right to freedom of association.

- The human right to protection from forced labor.

- The human right to adequate, safe working environment.

- The human right to reasonable limitation of working hours, rest and leisure.

- The human right to freedom from discrimination based on race, sex or status, in all aspects of work, including hiring and promotions.

The aforesaid provisions of human rights are still denied to the Dalits in Nepal, and are being violated everywhere.

Right to food as a human right is enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR) - an

international law signed by 150 States. In 2004, Food and Agriculture Organization (FAO) issued Guidelines by providing the Right to Food in it**.** Right to food is seen as being linked to food production, and to overcoming its scarcity. Such an emphasis, however, can be held correct so far as it links production of food by the poor to meet their own needs. Marginalized people without sufficient access to land, pastures or fishing grounds lack access to food, because they cannot produce enough on their marginal resource base. The Right to Adequate Food is, therefore, not only a question of the availability of food. Deprived people like the Dalits are devoid of the means of food producing resources especially land, in the context of Nepal's agrarian society. In fact, right to food is a matter of entitlement to land, rather than its production and availability.

On the one hand, the Comprehensive Peace Accord 2006, in 7.5.2, states that "Both parties are committed to respect and guarantee the people's right to food security. It also ascertains that the issues like food, food production, and utilization of food, its transportation and distribution shall not be interfered with". This statement focuses only enhancement of availability of food, and this is not reality of out context. On the other hand, the same peace accord, in 3.6, and 3.7, the provisions were "End all forms of feudalism and prepare and implement a minimum common programme of socio-economic transformation on mutual understanding", and "End feudal land ownership and formulate the policies for scientific land reforms". These both statements reflect real Nepalese scenario which are responsible for enhancing food insecurity due to inequitable distribution of land, a major productive or economic resource.

7.8 Policy Analyses

Social inclusion is well reflected in the tenth five-year plan as one of the four pillars of Nepal's Poverty Reduction Strategy. However, attaining the goal of social inclusion will require fundamental shifts to have not only in the structure of governance and the existing access to economic opportunities, but also means a change in the underlying hierarchical norms, values and behaviors governing social interaction of the people. Old social hierarchies

that continue to block access to political influence and economic opportunities to weaker sections of the population can not be expected to realize the goals of the Tenth Plan.

To ensure equitable development, one should analyze the nature of relationship between the people and the institutions, or examine the "rules of the games" that shape the opportunity structure for the deprived people in their social, political, and economic world. Empowerment and social inclusion of the excluded people are a means to bring a shift in these relationships, and develop the institutions necessary to ensures greater equity. There are three domains of change whereby the State, the civic society and the donor organizations can intervene on behalf of the poor and excluded people to give them their due rights.

- access to livelihood assets and services;

- ability to exercise voice, influence and gain agency; and

- a more equitable opportunity structure with the " rules of games" that allow all citizens to participate on the same terms in the state and in the larger society as well as to have their access to livelihood opportunities and political power.

"Access to assets and services" and" voice, influence and agency" are parts of the empowerment processes. The other domain of change- the "rules of the games",- is where social inclusion does, or does not, take place. Empowerment and social inclusion play complementary roles in promoting equity of agency and sustainable prosperity for all. Currently enacted Interim Constitution by the Parliament and the coalition of the eight parties, including Maoists also recognizes some socioeconomic rights to the disadvantaged community. Those provisions include prohibiting untouchability, right to employment and social security, social justice, women's rights and labor rights. These are acknowledged as fundamental rights. The constitution has also paved the way for a constitutional guarantee to these rights which are closely related to the Dalits' inclusion.

Importantly, this constitution states that an inclusive, democratic and a progressive restructuring of the State will be carried out by eliminating its present centralized and unitary structure in order to address the problems relating to women, *Dalits*, indigenous people, *Madhesi,* oppressed and minority communities, and other disadvantaged groups better by abolishing discrimination based on caste, class, language, sex, culture, religion and regional. This provision has also been included in the directive principle of the Interim Constitution to form and separate commission has been formed to look after it.

There is a provision which clearly mentions the promotion of interests for the marginalized communities, the peasants and labor class living below the poverty line, including the economically and socially backward indigenous tribes, the *Madhesis and the Dalits* through reservation of quota in education, health, housing, food sovereignty, and employment for them.

At last but not least, there is a provision for the effective implementation of a scientific land reform. However, crucial questions still arise: What does the land reform mean (how to conceptualize it)? How will it be implemented? Who will be benefited by it? etc. Most people from the high class (land lords and socioeconomic elites) are employed in government, parliament and other institutions of State governance still in large numbers.. All provisions of the constitutions can get interpreted and manipulated by these elites in favour of themselves, rather than on behalf of the disadvantaged community.

7.9 Conclusions

Historical distribution of land does not reflect a spirit of social justice. Only a few people owned or had controlled over land in the name of *Birta, Jagir* and other such land entitlements. On the basis of this principal asset, member of the upper castes became richer and achieved a higher socioeconomic progress in the fields of

education, health and politics. It also enabled them to reach key positions and status in the government. Thus, while looking at the national statistics, Dalit representation is very nominal in every sphere.

In an agrarian society like Nepal, there is no off-farm opportunity to make better income. Also, there is no social security policy for the Dalits so that they constantly face hunger and food insecurity. The Dalits' livelihood is miserable and is vulnerable. Various kinds of informal institutions, such as the Balighare, Khalo, and Khan Pratha existed in the traditional agrarian system of Nepal. These were discriminatory and exploitive in form. This unjust situation is further compounded by the Hindu caste system of untouchability. Hence, Dalits today are marginalized people in each sphere of life, and their human rights are being continuously violated. This trend is more acute in case of the Madhesi Dalits of the Terai. Being a landless people, Dalits are forced into bonded labour and used as hands in the form of Haliyas. In such a context, one question arises: How can three lakh Dalit Haliyas vote freely in the forth coming Constituent Assembly elections?

Therefore, the state has to take some bold steps in enunciating a future scientific land reform program in order to bring about equitable seriocomic changes. Such programme will have to address the following points. They are as follows: i) Land reform programme should go beyond a mere distribution of land. It should also simultaneously also launch a sound agricultural system; ii) Hierarchical social structure and relationship based on caste, gender and class that is responsible for the marginalization and deprivation of the *Dalits* should be abolished; iii) There should be abolition of all intermediaries (informal agrarian classes responsible for resource and service capturing); iii)All exploitative and discriminatory practices like the *Haliya, the Bali, the Khali, and the Khan* system should be abolished; iv) The socioeconomic security of the tillers should be ensured (not like the ex-Kamaiya); v) Social justice to the *haves and the haves not should be ensured*

through tenancy reform; and, finally, vi) A provision should be made for the social security of the Dalits and all the excluded people.

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CHAPTER 8

Pluralism, Diversity and National Integration

Kailash N. Pyakuryal

8.1 Pluralism and Diversity

Pluralism is a condition in which numerous distinct ethnic, racial, religious, or cultural groups exist in a society. It is generally believed that such a condition is desirable or to have, socially beneficial. This doctrine stipulates that reality is composed of many ultimate substances. Thus it is also a belief that no single explanatory system or it view of a reality exists. Pluralism assumes that disparate functional or cultural groups in a society that include autonomous religious groups, ethnic minorities and professional groups that are beneficial to the society. The concept of pluralism reflects social reality determined by languages, religions, ethnic affiliations and cultural traditions and implies control over their institutions by members of the constituent groups (Bentley 1971).

Arguments in support of pluralism have continued since the time Romantics have reacted to the propounders of Enlightenment. Where Enlightenment thinkers tended to regard the world as governed by universal laws, Romantic critics insisted that human understanding of the world differs across cultures, and that these differences make life more meaningful (White 2005).

The concept of cultural diversity also implies a societal condition comprising diverse ethnic, racial, and religious- groups with their distinctive heritage, values, languages and life- styles. The concept of diversity does not connote any clear- cut perspective and vision with regard to maintaining equality, equal rights and separate identity among diverse groups in a society. On the other hand, the concept of pluralism implies not only recognition of a condition of

cultural diversity but also a concrete vision and perspective of promoting and maintaining the separate identities of the constituent groups on the basis of equality and equal rights.

Van Den Berge's definition (1973: 961) of pluralism that seems to be more applicable to Nepal's pluralism refers to "a property, or a set of properties, of societies, wherein several distinct social and/or cultural groups coexist within the boundaries of a single polity and share a common economic system that makes them interdependent, yet maintain a greater or lesser degree of autonomy and a set of discrete institutional structures in other spheres of social life".

In democratic politics, pluralism is a guiding principle which permits a peaceful coexistence of different interests, convictions and lifestyles. Unlike totalitarianism or particularism, pluralism acknowledges the diversity of interests and considers it imperative that members of a society accommodate their differences by engaging in good-faith negotiations. However, some scholars have argued that the theory is too simplistic (Connolly 1969). In reality, corporatism comes to the picture. Corporatism is the idea that a few select interest groups are actually involved in the policy formulation process, with the exclusion of a myriad other interest groups.

Pluralism is connected with the hope that this process of conflict and dialogue will lead to a definition and subsequent realization of common goods that is best for all members of a society. This implies that in a pluralistic framework, the common good is not given a *priori.* Instead, the scope and content of the common good will only be found out in and after the process of negotiation (a posteriori). What this means is that beliefs of any particular group cannot represent absolute truth. This implies that, as a general rule, the state operating in a truly pluralistic framework of a pluralistic society, must not be biased: it may not take sides with any one group, give undue privileges to one group and discriminate against the other.

If we look at Nepal's governance practices and how it fares with the above framework of pluralism and diversity, it is certainly very poor and unsatisfactory. Nepal is a mosaic of different cultures. There are 103 caste/ethnic groups in Nepal (CBS 2002). Different communities are settled in different parts of present day Nepal with their own languages, religions and cultures. They lived mainly in small chiefdoms and principalities that were conquered by Prithvi Narayan Shah, the Hindu king of Gorkha, and their territories were merged into the present day Nepal. Over the centuries, the State adopted a policy of assimilation and amalgamation and through the process of Sankritization and Hinduization features of pluralism and inherent diversities was completely ignored. Pradhan (2002) divides the period 1768 (the year Prithvi Narayan Shah began to annex other Principalities) to present day into three epochs: a) hierarchy, diversity and Hindu polity (1768-1950), a period for exercising political control over the expanded territory and introducing a single hierarchical Hindu order; b) equality, homogeneity and Parbatiya culture (1961-1990), a period of assimilation into the dominant Hindu culture with the aim to achieve a common language and homogenous culture and; c) equality, pluralism and cultural dominance (1990-2001), a period of Nepal being constitutionally recognized as a pluralistic society. [82] However, even after the introduction of multiparty parliamentary democratic system, Nepal continued as a state where political organization of territory was limited to select groups and classes of people. The fruits of democracy and development did not percolate to the majority of the people. Among the SAARC countries Nepal had the lowest HDI value (0.289) in 1975 and Sri Lanka led with an HDI value of 0.616. After 25 years Nepal is still at the bottom next to Bangladesh (Gurung 2006).

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[82] For detail, see Pradhan, Rajendra B. Ethnicity, caste and a pluralist society in Dixit, Kanak M. and Shastri, R. (ed.), 2002. State of Nepal, Kathmandu: Himal Books.

Neupane (2000) presents a dismal picture of representation in governance by various castes and ethnic groups (see table below).

Table 8.1: Representation in Governance, 1999

Institution	Hill High Caste	Newar	Madhesi	Hill Ethnic	Dalit	Total
1.Constitutional Body	14	6	3	2	-	25
2. Council of Ministers	20	3	5	4	-	32
3. Judiciary	181	32	18	4	-	235
4. Legislature	158	20	46	36	4	265
5.Civil Administration	190	43	9	3	-	245
6.Political Party Leaders	97	18	26	25	-	166
7.DDC Chair/Mayor	106	30	31	23	-	190
8. Civil Society Leaders	41	8	4	1	-	54
Total	808	160	142	98	4	1,212
A. Row %	66.6	13.2	11.7	8.1	0.3	100.0
B. As % of Total Population	31.6	5.6	30.9	22.2	8.7	100.0
A-B	+35	+7.6	-19.2	-14.1	-8.4	-

Source: Gurung 2006, p. 17 (adapted from Neupane 2000, p.82).

Reports indicate that Hill and Terai Bahun/Chhetri have the highest per capita income (Rs. 24,399) and Terai Dalits the lowest (Rs. 10,887). In between are the Janajati (Rs. 15,630) (NLSS 2004).

There are differences in human development among the ethnic groups and caste groups. Newars fare best followed by the Brahmins and Chhetris. The human development index (HDI) of these three groups is higher than the national average and dalits are at the lowest rank (Table 2).

Table 8. 2: Human Development by Caste/Ethnicity

Human Development Indicators	Nepal	Brahmins	Chhetris	Newars	Hill Ethnic Groups	Madhesis	Dalits
Life expectancy	55.0	60.8	56.3	62.2	53	58.4	50.3
Adult Literacy (%)	36.72	58.00	42.00	54.80	35.20	27.50	23.80
Mean Years of Schooling, 1996	2.254	4.647	2.786	54.80	2.021	1.700	1.228
Per Capita Income (NRs) 1996	7,673	9,921	7,744	11,954	6,607	6,911	4,940
Per Capita PPP (US$), 1996	1,186	1,533	1,197	1,848	1,021	1,068	768
Life Expectancy index	0.500	0.597	0.522	0.620	0.467	0.557	0.422
Educational Attainment Index	0.295	0.490	0.342	0.462	0.280	0.221	0.186
Income Index	0.179	0.237	0.181	0.289	0.152	0.160	0.110
HDI	0.325	0.441	0.348	0.457	0.299	0.313	0.239
Ratio to National HDI	100	135.87	107.31	140.73	92.21	96.28	73.62

Source:Pradhan R., and Ava Shrestha, 2005 (p. 22).

The Peoples' Movement –II (April 2006) abolished the direct rule of the king, reinstated the parliament and included the Nepal Communist Party (Maoists) in the interim parliament. An interim Constitution has been promulgated which has declared Nepal as a secular country. Movements are underway for a Federal Republic.

The struggle to win recognition for collective rights (and cultural identity) of various peoples, ethnic groups, regions, communities and classes has been the main thrust of the growing social movement and it has made a considerable headway. Ever more complex demands are put forward as possible alternatives, and cultures and diverse groups are increasingly organized as social actors who are taking their place more and more on national and international scene. However, no indication of progress and development is yet visible. Issues of pluralism and diversity have come to the front. Questions of identity and right to self-determination are contemporary agenda in Nepal.

Indigenous people (*adibasi janajati*) are clamouring for restitution of land where they had allegedly settled before the process of dispossession and subjugation. They also demand unlimited control over underground and surface water resources, animal and forest species, and places traditionally held to be sacred. Consistent with this claim, they oppose any form of development that is attempted without their participation and consent. Political autonomy and right to self- determination are their important demands. Similarly, the Madhesi movement is underway which aims at achieving autonomy and right of self- determination. No wonder that these groups have raised their voices against the state. The state never treated its citizens equally. The political systems have changed but not the social structure or the mind -set of the ruling elites. As a result, the country has produced unequal citizens. Lynne Bennett (2006) very rightly concludes in one of her recently edited book "Unequal Citizens" that after centuries of subjugation, and perceiving as the subjects of the ruler, Nepalese are beginning to see themselves as citizens and this change in their self-perception is important to achieve social inclusion and empowerment.

Transformation must aim at univocally accepting diversity, failing which this becomes a factor leading to conflict. The overriding imperative is to recognise plurality as a social characteristics accepted by governments, institutions and actors themselves, so as to promote growth. It is therefore a matter of building 'pluriethnic' and 'pluricultural' (Iturralde, 1995) societies (and States) based on recognition, respect and promotion of a multiethnic and multicultural reality of Nepali society.

8.2 Ethnicity, Inter-ethnic Relations and National Integration

There is no common agreement in defining ethnic group or ethnicity. However, there are some features that are more commonly mentioned while describing these terms. The most common attributes to describe an ethnic group are: a) common ancestral history, b) same culture, c) religion, d) race and language. An Ethnic group has a discrete (either one or the other) character, whereas ethnicity is a variable (degree or level, viz., high, moderate, low).

Ethnicity is defined as a varying degree of reciprocal, common identification (or 'peoplehood') marked by a) symbols of shared heritage, including language, religion and customs; b) an awareness of similar historical experience; and c) a sense of in-group loyalty or 'we feeling' associated with a shared social position, similar values and interests, and often, but inevitably, identification with a specific national origin (Pyakuryal 1982; Bhattachan and Pyakuryal 1996).

A cursory review of the following theories related to inter-group relations may be useful in explaining inter-group relations in Nepali society.

Assimilation:
The theory of assimilation contends that a cultural consensus will be obtained through the absorption of minority groups into majority groups. The Social Darwinist doctrine relied upon the assertion that the dominant group's culture is superior. Much research has demonstrated that assimilation processes do occur in many societies. Yet, the assumption that minority cultures ultimately disappear has not been empirically validated. The dominant Hindu ruling group defined all rules of the game for mainstreaming all minority cultures.

Amalgamation:
The theory of amalgamation or the "melting pot" provides a slightly different though basically social Darwinist set of predictions. Rather than contending that the majority culture is superior, it points out that all cultures have good parts; all the good

elements of various cultures merge together and a social amalgamation results. Yet a few contemporary theorists would argue that amalgamation is a central process in a modern, socially pluralistic nation state. Although the Constitution of Nepal recognizes equal rights of all ethnic groups, in practice the state has always invariably promoted a Hindu value system.

Bicultural Model:

The assimilationist model of inter-group relations evaluates a minority group culture in terms of the dominant class culture. Thus the assimilationist model has resulted in a derogatory conception of the minority culture as cultureless, pathological, lower class, disorganized, and reactive. This is a normative approach. Thus conceptualizing a minority culture in terms of assimilation or acculturation leads to ignoring the bicultural dynamics of the minority culture.

The bicultural model makes it possible to see groups as participants in the culture of the larger dominating society. The minority group experience in many respects merges with that of the" national" society, while in many significant respects the minority remains quite distinct from the experiences of the dominant group. However, who envisions this "larger, national" society is an important phenomenon to look at.

Nepal being a multi-ethnic society is a good candidate for all manifestations inherent in any multi-ethnic societies of the world. In order to understand the intensification of ethnic conflicts we have to take into account a series of long term historical processes studies by authors like Anderson (1983), Gellner (1983), Hobsbawm (1990), Mann (1993), Geertz (1963), and others. These studies indicate that state centralization and homogenization policies and state growth in general generated grievances among peripheral ethnic groups whose cultures and political institutions were threatened. Nepal's history too resembles that of others and thus becomes a good candidate for ethnic conflicts.

To sum up, ethnicity can be viewed both as a behavioral variable as well as a social structural or contextual variable. Ethnicity when viewed as a behavioral variable denotes the degree to which there

is a sense of belonging to a particular group, symbols of shared heritage, and awareness of similar historical experience. As a social structural variable, ethnic groups are characteristic of most societies.

Assimilationist theorists have viewed ethnic groups as holdovers of pre-modern societies. Ethnicity is thought to be an undesirable attitude or structural anomaly and so all minority cultures should hasten or be hastened to become assimilated into the main dominant culture.

On the other hand, proponents of the bi-cultural model advocate the inevitability of ethnicity to some extent in any society and so minority cultures should also be given rights and opportunities to participate in the process of nation building.

However, from the state point of view there is no official definition and recognition of 'minority groups' as such in Nepal. Concepts like 'backward' and 'oppressed' and 'downtrodden' are interchangeably used in official documents and in the Constitution of Nepal to designate some special disadvantaged groups like *Dalits*, *Janajatis (*nationalities*/*ethnic groups/tribes*)* and indigenous peoples. These concepts are used in a politically neutral sense as they are conveyed or understood more in terms of 'economic backwardness' or 'social backwardness' rather than in the fullest sense of historical and present day discriminations against these groups.

8.3 National Integration

National integration is a progressive process of identifying commonalities with respect to common goods but maintaining and promoting the distinct ethnic identity of each group through social integration within the framework of current international political boundaries (Bhattachan and Pyakuryal, 1996). Achieving full-fledged national integration requires shared values among all ethnic groups (including caste groups) where cultural aspirations of each group are reflected.

Integration is related to the issue of holding the various elements of society together. Two important forms are **normative integration**, which relates to the integration by commonly held values and **functional integration**, which is integration by interdependence in the division of labor. Integration also refers to the process by which different races (caste/ethnic groups) come to have closer social, economic and political relationships.

Nepal is characterized by its multiple caste/ethnic composition, different languages and religions. Social groups, from the smallest to the largest, persist over time only when their members experience societies that bind them to the group and give them reason to belong.

The problem of integrating its members with a relatively cohesive and functioning interactional system, then, is a basic problem of all social groups.
Undoubtedly, one of the major sources of group integration is the socialization of its members resulting in an internalization of the values and norms of the group, belief in its objectives and purpose, and willingness to act consistently with the group's expectation of behavior.

<u>The normative integration of the group then is simply the acceptance by its members of group norms and the degree of their compliance.</u> Members of small groups that are also homogeneous in membership are more likely to evidence a higher degree of group solidarity and greater identification with the group's objectives, producing what is called high "morale". But, large groups have a greater difficulty in achieving <u>normative integration.</u> For one thing, their members are likely to be more heterogeneous.

Also, there will be subgroups that emerge within the large groups, some of which will develop norms that are inconsistent with, if not contradictory to, the norm of the larger groups.
The problem of integration of large groups becomes one of functional integration through the effective coordination of the human effort of its members, as individuals & as subgroups, so that their diversified and specialized activities support and supplement each other. Functional integration depends on a sharing of

normative elements. There has to be some agreement on what is worth doing and some relative consensus on what are reasonable expectations for the actions of people fulfilling their social roles.

A society can be viewed as a social group that encompasses all other social groups that exist among a people. Such a conception of society does not signify any given size; societies can be large or small. But in the modern world the trend is to move toward large national societies that are politically organized and controlled by a nation-state, and that monopolize control over a given territory customarily inhabited by and identified with the people of that society. The Nepali society is such a politically organized society. But prior to the growth of the nation, societies were frequently smaller entities in which the cultural definition of a people and their territory was not organized in a nation.

8.4 Discussion

Nepal is still emerging as a nation state. Consequently, a great deal of social conflict often accompanies such nation building.

Empirical evidences show that differences exist between different caste and ethnic groups and also between geographical regions. To some extent, ethnic categories correspond to the actual division of societal resources: the high caste *Parbatiyas*, along with the high caste *Newar* population, share among themselves the bulk of governmental political positions. Similar inequalities are displayed if we take account of the literacy and educational status and incidence of poverty. The *Dalits* and a majority of the ethnic groups are at the bottom of the Human Development Index (Nepal Human Development Report, 1998). This situation, a legacy of the past, has not improved even after the advent of multiparty democracy and implementation of pro-poor and disadvantaged groups-focused state interventions via the Eighth Plan (1992-1997), the Ninth Plan (1997-2002), the Tenth Plan (2002-2007) and other interventions.[83]

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[83]   For further details see Neupane, 2000 ;Gurung, 2006; Pandey, Mishra, Chemjong, Pokhrel and Rawal, 2006

Cultural discrimination on the basis of caste, ethnicity, religion, language, and regionalism is equally an inherent phenomenon of statehood and creation of minorities in Nepal. For the last two-and-a- half centuries, the ruling elite of Nepal - hill high caste Hindus-and their cultural ethos (religion, language, etc.) have been adopted by the state and promoted as the Nepali national culture. Ethnic groups, the so-called 'low caste' *Dalits*, Muslims, and other non-Hindu religious groups have been critical of their continuous exclusion and subjugation. They have been demanding equitable participation and representation (including cultural) in the national mainstream for many decades. Similarly, the Terai people- with their subordinated position irrespective of their caste/ethnicity and religious background in a state dominated by the hill people and hill culture, have been strongly assertive and their movement for ending this discrimination is equally significant in Nepal.

Nepal remained isolated from the outside world until early the 1950's. After the overthrow of the Rana Regime, there was an unbalanced representation in all the aspects of nation building. Nepal's geo-physical location and psychosocial conditions of freedom fighters continuously made the leaders suspicious to each other. The fantasy of a particular political system as a panacea of all problems remained a strong force in dividing the main political forces in Nepal. Any expression of the feelings of deprivation of the rewards and privileges by any segment of the population was taken as detrimental to national integration and thus it was suppressed. The gaps came to the surface and it was possible to express more freely and effectively after the people's popular movement of 1990 that overthrew the Panchayati Regime.

There is no question that inter- ethnic relations are highly unsatisfactory and skewed. But, the necessity of Nepal to remain intact is as important today as it was during Nepal's unification.

To address the ethnic issue, it may be wise first to look at the issue from four different dimensions:
   a. Political
   b. Socio-economic
   c. Human rights
   d. Academic

The issue is political because the movement seeks for greater autonomy and power sharing. This is socio-economic as it is concerned about the preservation and promotion of cultural heritage as well as economic upliftment. It is also human rights related because not all groups exercise equitable privileges and rewards though constitutionally, equal rights have been guaranteed to all Nepalese irrespective of their affiliation to any particular ethnic group. The issue is academic because there is a worldwide debate on who make the indigenous people: whether it is the history of settlement, i.e., who settled first, or experience of a similar history of exploitation and subjugation, or violation of human rights or the racial origin or the language and the culture or the likes?

Nepali scholars, politicians and the human rights activists have quite often trespassed their boundaries (disciplinary ethics) that have further complicated the understanding of the issues of social/national integration.

The key to attaining national integration is respecting and recognizing pluralism and diversity and empowering various groups of people on equal footings. Nepal is a country where none of the ethnic/caste groups is in majority. To bring various groups at equal footing is a need of the day while in the near past the dominant group has had a resolute posture of 'we shall overcome by the vote if possible and violence if necessary'. Social transformation calls for a thorough reform in legislation now than ever before. The time has come to acknowledge that it is necessary to work out, with involvement of all social actors – big or small, powerful or powerless, dominant or the dominated- a new body of laws consonant with that long–standing cultural and ethnic diversity, that latent and much-abused diversity which represents the deep roots of real Nepal.

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CHAPTER 9

Moving Ahead: From Transition to Transformation

Bishnu Raj Upreti

9.1 Introduction

Nepal is in the fragile transition from war to peace. The nation experienced the armed conflict and insecurity for nearly eleven years with casualty of more than thirteen thousand people and damage of infrastructures worth billions of rupees. However, after reaching the 12-point understanding between the Seven Party Alliance (SPA) and Communist Party of Nepal Maoists (CPN-M), the people's movement of April 2006 became successful. The April movement paved the path to end the armed conflict. Signing the Comprehensive Peace Agreement between the CPN (M) and the government of Nepal ultimately brought the CPN (M) into mainstream politics. The promulgation of the Interim Constitution, formation of Interim Legislative Parliament and Interim Government, and invitation to the Untied Nations Mission in Nepal (UNMIN), and completion of the verification process of the 'peoples liberation army' (PLA) are some of the fundamental building blocks for the lasting peace and transformation of the Nepali state.

After the signing of the CPA, Nepal as a feudal, centralised, unitary and exclusionary monarchist nation for centuries with widespread discriminations based on sex, caste, ethnicity and religion is moving towards a federal inclusive republic nation. This can be achieved only when citizens of this country engage in democratic practices, realise protection of human rights, social

justice and harmony; entertain economic development and experience political stability.

This chapter briefly discusses the important elements of 'management of transition' and components of 'transformation' of the old state into a new nation.

9.2 Managing Transition

It is crucially important to smoothly manage transition to achieve stability and democracy, and materialise transformation. Managing transition requires appropriate dealing with the following important and complementary elements:
- Smooth execution of the power sharing arrangements,
- Constant monitoring of peace process,
- Sincere implementation of understandings and agreements,
- Ensuring transitional Justice and rule of law,
- Guarantee transitional security,
- Free and fair conduct of elections,
- Facilitating, disarming, demobilizing and reintegration process,
- Starting of security sector restructuring,
- Implementation of reconciliation, rehabilitation, recovery and reconstruction,
- Managing and/or addressing of public expectation and frustration,
- Obtaining international support.

9.2.1 Execution of the Power Sharing Arrangements

Power sharing arrangement is fundamentally important to make transition successful. During the transition period, the interim arrangements are made between the previously warring parties. Hence, coalition culture is crucial in making power sharing arrangement functional. In Nepal, enough provisions of power sharing are outlined in the CPA and Interim Constitution. Accordingly, SPA, including CPN (M) leaders, are in important power structures (e.g., interim government, interim legislature parliament, diplomacy, etc.), but the coalition culture is totally

lacking. They perceive that the power exercised by them is their reward for their past activities, with no responsibility to smoothly manage the transition and achieving political stability, democracy and peace. The action and behaviour of the actors in the current power sharing arrangement are creating enormous operational problems and make transition shaky and fragile. Those who are out of the power sharing arrangements are being disgruntled and gradually organising to oppose the decisions and actions of SPA-Maoists. It is important to include as many groups of actors as possible in the transition process to ensure success, but this aspect is missing. The expertise, knowledge, skills and competencies of independent, intellectuals, academics, professionals, specialists and analysts who are not members of any political parties are not being utilised in managing transition and transformation of the state. This is an organic group with tremendous capacity for opinion building and influence international communities with access to information. It is needed that the SPA-Maoists should utilise their capacity, skill and knowledge.

9.2.2 Constant Monitoring of Peace Process

It has been observed that more than 40 percent of the provisions in the peace agreements collapsed within 4 years of signing them. This is mainly because of a lack of proper monitoring and sincerity in the implementation of the agreed provisions. Hence, an effective monitoring of the peace process is crucially important to make it successful and to transform the state from transition to stability, peace and democracy. The monitoring mechanism should be an independent, powerful and impartial watchdog and make sure that the parties signing the agreements follow the provisions of the agreement honestly and sincerely.

In the case of Nepal, monitoring of peace process is extremely weak. The government and SPA-Maoists did not internalise the indispensability of the monitoring mechanisms. In the past, the ceasefire monitoring team had resigned mainly because of non-cooperation from the government. Later the chairperson proposed for the monitoring of peace process also refused to take on the responsibility because of the bitter experiences of non-cooperation by the state and political parties in the past. Making the transition

successful requires strong monitoring mechanisms endowed with full mandate, resources and authority.

9.2.3 Sincere Implementation of Understandings and Agreements

The success or failure of any peace agreement during transition largely depends upon the sincere implementation of the provisions outlined in the agreements and understanding. Usually, there is a tendency of violating the agreement during the transition and blaming the other side for it.

SPA and CPN (M) had signed numerous agreements and understanding. Some of them are: a)12-point understanding, b) 8-point understanding, c) 25- point code of conduct, d) CPA, e) 5-point letter to UN, f) an Interim Constitution, g)agreement on management of arms and armies, h) and a 23-point agreement. However, critical examination of the situation of their implementation reveals that most of them are either partly implemented or not implemented at all. Most of the provisions implemented are related to power sharing (getting in power and position) and most of the provisions not implemented are related to the direct concerns of the Nepalese people.

9.2.4 Ensuring Transitional Justice and Rule of Law

Transitional justice is one of the fundamental elements in securing justice to conflict victims. According to the International Centre for Transitional Justice, *"transitional justice refers to a range of approaches that society undertakes to reckon with legacies of widespread or systematic human rights abuses as they move from a period of violent conflict or oppression towards peace, democracy, the rule of law, and respect for individual and collective rights"*. Truth seeking, prosecution, reparation and reconciliation are some of the major focus of transitional justice (Upreti, 2007b).

According to the Encyclopedia of Genocide and Crimes Against Humanity (2004), transitional justice refers to a field of activity and inquiry focused on how societies address legacies of past human rights abuses, mass atrocity, or other forms of severe social trauma, including genocide or civil war, in order to build a more

democratic, just, or a peaceful future [84]. Therefore, transitional justice should be understood in a narrow sense of 'justice during transition'. The notion of transitional justice not only includes the concept of legal justice according to the international legal principles but also wider areas of reparations programs and truth-seeking mechanisms, political transformation (in this paper transition from conflict to a state of peace and stability). It is a long and complicated process.

Transitional justice is a powerful concept to understand the dynamics and the process relating to the emergence of a society from an armed conflict. While examining the translation of the concept of transitional justice into practice in a war-ridden conflict like Nepal, it falls into legal, political, moral and operational dilemmas and practical complications. In the case of Nepal, it is highly contested and resisted. The tension between dealing with the past and moving forward to the future is a prevalent phenomenon, and ultimately, 'political compromise and negotiation' determines the course of action in a transitional justice. The bill on Truth and Reconciliation Commission prepared and brought forth for discussion by the Ministry of Peace and Reconstruction in August –September 2007 is an example of this character.

Role of law in realising the rule of law in transition is crucial but frequently questioned, once the contribution of legal actors and institutions in transition from war to peace is far below the public expectations of the people and as it operates on the framework of a legal engineering of the society. In the situation of a country like Nepal which having itself transited from war to peace, the role of law is crucial but severely weak. Nepal's transitional justice depends upon to how far it respects international law, providing legal obligations to prevent human rights abuses, investigating past crimes, identifying and punishing human rights abusers, imposing sanctions against persons responsible for violence, facilitating reparations to victims, accepting international human rights and humanitarian provisions to prevent human rights abuses, and promoting reconciliation and reintegration. Thus, ensuring

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[84] See The Encyclopedia of Genocide and Crimes Against Humanity (2004), vol. 3, pp. 1045-1047 for detail.

transitional justice in Nepal depends upon the readiness of the government of Nepal to respect international human rights and humanitarian provisions. Hence, the success of the transition period depends upon honest and sincere implementation of the rule of law and transitional justice.

9.2.5 Guaranteeing Transitional Security

Success or failure of political transition depends upon the guaranteeing of security. The vested interest groups benefiting from a weak security situation or those, who do not want a progressive change and transformation for Nepal, create insecurity, weaken transition and pose various other challenges. Massive proliferation of small arms in Nepal is one of the numerous examples of this intention (Upreti and Nepali, 2006). Hence, containing of or controlling these groups becomes absolutely essential. The Police and the armed police force alone cannot achieve transitional security if political forces and citizens of the country do not proactively engage in establishing such a security.

It is urgently needed to fill-up the severe political vacuum that has existed at the village level. Starting and strengthening joint political activities by all political parties across the country, engaging citizens in a political process, adopting integrated and non-conventional security approach (going beyond mere reliance on security forces for realising transitional security), coordinated action and administration with the Indian security forces in the border areas and dialogue with the Indian politicians are some of the measures to be taken immediately to bring improvement in the transitional security.

9.2.6 Free and Fair Conduction of Elections

Election is one of the fundamental components of the successful management of a political transition and a foundation stone for the stability and democracy of a state. Elections provide a fresh mandate for the State's laws and regulations, and a new legitimacy for the transformation of the old state, by institutionalizing the achievements made during the time of transition. However,

ensuring a free and fair election and higher participation of the eligible voters are its preconditions. The highly expected but frequently postponed constituent assembly election has a tremendous opportunity to institutionalise the achievements made so far and open new avenues for the restructuring of the state .But, at the same time; it has severe risks of being a failure and a source of ethnic and territorial conflict. Hence, political parties and decision makers have to accept certain constitutional principles and democratic ideals to minimise such risks and maximise the potential of the elected constituent assembly. However, most regrettably, political parties have used it very tactically for their narrow vested political interests. The constituent assembly election is perceived by political leaders as being only a periodic election to form the government.

9.2.7 Facilitating Disarming, Demobilizing and Reintegration of Ex-Combatants

Disarming is a process by which it involves handing over of the arms used by individual combatants to the authorities responsible for the safe storage, redistribution or even to destruction of those arms (Gleichmann e*t al.,* 2004). Demobilization is an act either of disbanding arms unit, or reducing the number of combatants or an interim stage that precedes reassembling of the entire armed forces (ibid:15). Reintegration is a social and economic process by which ex-combatants acquire civilian status and gain access to civilian forms of work and income (ibid: 15).

Regarding the DDR of the Maoists PLA**,** clause 11.1.3 relating to 'Registration of the Maoists Army Combatants at Cantonment Sites' of the agreement states: *"Only those Maoists army combatants who have been properly registered at cantonment sites will be eligible for possible integration into the security forces fulfilling the standard norms. Any discharged personnel will be ineligible for possible integration. Those who are eligible for integration into the security forces will be determined by a special*

committee as agreed in the Comprehensive Peace Accord[85]. This integration process will be determined in subsequent agreement with the parties. Upon registration Maoists army combatants, if found to be born after 25 May 1988, will be honourably and automatically discharged... The Interim Council of Ministers will form a special committee to supervise, integrate and rehabilitate the Maoists army combatants". This section provides the important basis for DDR in Nepal.

In the courses of the verification process UNMIN came up with two categories of PLA. The first category signified qualified PLA, and the second category disqualified PLA. The disqualified PLA in the UNMIN verification process should be reintegrated into the society which would require especial knowledge, skills, procedures, resources and mechanism. Similarly, the qualified PLA, as per the provision of CPA, has to integrate into state security forces or adjust in any other appropriate structures. This is one of the main tasks to achieve for restoring durable peace in the country.

The role of DDR is fundamentally important for sustaining peace and providing security to all the communities across the country, as inclusion of qualified PLA combatants into national security forces (police and the army) and the reintegration of ex-combatants into society is crucial. It is therefore not possible to transform the machinery of conflict into one that supports a sustainable peace and development without having the appropriate DDR. Security sector reform (Ball, 2002; Kumar and Sharma, 2005; OECD, 2004; Schnabel and Ehrhart, 2005) and relationships between citizens and security forces are crucial in the promotion of greater security sector governance. This is a prerequisite for any successful DDR programme (Aditya *et al.,* 2006).

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[85] Section 4.4 of the Comprehensive Peace Agreement states, "The interim cabinet shall form a special committee to carry out monitoring, integration and rehabilitation of the Maoists combatants".

9.2.8 Starting Security Sector Restructuring

Transformation of security sector is not much debated in Nepal. The definition of security sector is globally contested and a unanimous view of it is difficult to find. OECD defines security sector as those state institutions which have a formal mandate to ensure the safety of the state and its citizens against acts of violence and coercion (OECD, 2004; cited in Kumar and Sharma, 2005). Security Sector reform is a common concept globally used in the post-conflict literatures. SSR is a process of transforming the organizations having legitimate authority to use or order the use of force, such as the police, the army, the paramilitary, the local security units, the intelligence and other legally defined arrangements (Greene, 2003). Changing roles, responsibilities and actions of security actors inconsistent with democratic norms, values and principles of good governance in a changing context are some of the basic elements of SSR (Schnabel and Ehrhart, 2005).

Fundamental principles of SSR relate to civilian control and parliamentary oversight of the nation's security related agencies, right sizing and modernization and professionalisation of security forces, respect for the rule of law, facilitating transition from war to peace, etc (Upreti, 2006; OECD, 2004; DFID, 2002). SSR is a concept of total reform in the shortcomings and weaknesses of the security sector, of having a new vision and neutrality that demands honest commitments and impartiality from both the civilian government and the security professionals. Giving appropriate trainings (both in terms of military and in human rights, capacity building and acquiring technical competence), taking security issues into the mainstream of development policies and programmes, striking a delicate balance between confidentiality and transparency, maintaining strong co-ordination and operational mechanisms, forging new relationships between the military and the civilians, building an enhanced public awareness, strengthening the constitutional and legal frameworks, periodic reviews of security sector and strengthening of independent oversight mechanisms (e.g., public complaint bodies like the human right commission, the auditor-general, the legislative and the judicial bodies, etc.) are some of the important elements of the SSR

(Baldwin, 1997; Ball, 2002, Aditya *et al.,* 2006; DFID, 2002; Ebo, 2003).

Transformation of security sector in general and military in specific is related not only to security aspects but also to social, political, economic, international and developmental [86] issues. Security sector reform or any ideas of restructuring or transformation has to address policy issues and, legislative and international relations; redesign structural and oversight issues keeping within standard democratic principles and values (DFID, 2002). The classical security approach mainly focuses on the legal monopoly of the state over the use of the security instruments and security forces for safeguarding its citizens and preserving national security, specifically arising from external threats. Further, the conventional notion of the military force is to prepare for, prevent and engage in war (Walt, 1991) in which the army, the paramilitary, the police force, the intelligence and the secret services are mobilized. This conventional state centric approach of security operation is narrow-based and ignores modern notion of security that operates in a holistic framework of human rights, livelihood security, environmental security, energy security-in other words, a broader human security concerned with peoples' rights for a dignified life (Upreti, 2006 and 2004; Baldwin, 1997). Hence, democratic governance is a central element of security sector restructuring (Kumar and Sharma, 2005; Upreti, 2007a; Aditya *et al,* 2006). This work is seriously lacking in the case of Nepal.

Taking suggestions from the concerned committees of the interim parliament both the CPA and the Interim Constitution have outlined the responsibility to the interim cabinet to prepare and implement a detailed action plan for the democratization of the Nepali Army. In addition to this, there should be a provision for a technical committee composed of PLA leaders, Nepal Army officers, and defense experts to assist the parliamentary committee and the interim government in this task. This committee has to work out all the necessary details and overcome technical

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[86] The relationship between security sector and development has been extensively discussed by the report of the Club of Rome in early 1970s [Brandt Commission (1980) and Olaf Palme Commission (1982)].

complications in transforming Nepal army and integrating the PLA. This committee needs to work until the complete transformation of security sector going, beyond the time of the interim government.

The SSR is accomplished with the realization of the following steps:

Step 1: Analyze the security sector
- Prioritize the core needs and challenges
- Identify the weaknesses and constraints
- Explore the opportunities and potentials

Step 2: Formulate a new policy, and establish an institutional and legislative framework based on the identified opportunities and potentials,

Step 3: Translate the policy, institutional arrangement, and legislative framework into action

These steps have to be accomplished keeping within the following basic principles:
- People of Nepal as the ultimate source of power
- Accountability,
- Transparency,
- Representation,
- Rule of law and human rights,
- Social justice and good governance principles,
- International provisions and standards.

The SSR has to be accomplished in the following phases:

A. Before the constituent assembly election:
- Sincere commitment at the political level
- Debate and discussion,
- Analyzing of security sector,
- Exploring of opportunities and challenges by the 'Technical Committee'.

B. After the constituent assembly election (during the period of constitution-making)

- Incorporation of fundamental principles for the operation of security sector (discussed in section 4.4 above) in the new constitutional provisions,
- Providing a conceptual framework for the creation of a modern, professional and a democratically operating security apparatus.

C. After the new constitution by the elected government is promulgated
- Preparation of a comprehensive security sector transformation package,
- Execution of security sector in accordance with the new constitutional provision, by restructuring the following organizations:
  o The National Security Council
  o MoD
  o Nepal army,
  o Nepal police
  o Intelligence
  o Other security apparatuses.

9.2.8 Implementation of Plans for the Reconciliation, Reintegration, Rehabilitation, Recovery and Reconstruction

Reconciliation is a process of developing a shared vision of a society that is interdependent and fair in acknowledging and in dealing with the past, and in building positive relationships, through a significant cultural, attitudinal, social, economic and political change[87] (Hamber & Kelly, 2004).

Reconciliation is a process that involves searching for justice, healing, forgiveness, and finding new bases of cooperation and coexistence as well as understanding the needs, fears and aspirations of the past antagonists. Whereas reintegration is a process in which acceptance of ex-combatants, IDPs and conflict

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[87] See Brandon Hamber & Gráinne Kelly (2004) entitled 'Working Definition of Reconciliation' *Paper published by Democratic Dialogue, Belfast, September 2004 for detail.*

victims within the community becomes possible. Thus reconciliation is a process of examining the past and addressing the legacy of the past violence and rebuilding the broken relationships (Bloomfield *et al*., 2003).

Reconciliation and reintegration means dealing with the victims, including the internally displaced persons (IDPs) and ex-combatants or former soldiers from both sides. According to the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the General Assembly Resolution 40/34, 29-11-1985, 'victims are persons, who individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic losses and substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violation of national criminal laws but go against internationally recognized norms relating to human rights'.

Reintegration is a complex psychological (a process involving psychological accommodation of people reintegrated from their present combatant lifestyle to a normal civilian life), social, political and economic process of mainstreaming demobilized soldiers or ex-combatants and their families, and other conflict victims as active members within their own their communities or new communities, and becoming active producers in the civilian life (Upreti, 2007a). However, this paper mainly deals with the social and political reintegration only.

Social reintegration for the purpose of this paper is defined as being a process of acceptance of former soldiers and their dependents, IDPs, and their conflict victims by the local communities. Political reintegration for the purpose of this paper is defined as being a process by which demobilized soldiers and other conflict affected individuals and communities participate in the structures and processes of political organizations in their communities and societies. Economic integration is related to providing employment opportunities and marketable skills. It is dealt with however, in a separate paper.

Archbishop Emeritus of South Africa ,Desmond Tutu ,said, '*examining the painful past, acknowledging it and understanding it, and above all transcending it together, is the best way to guarantee that it does not and cannot happen again"* (foreword in Bloomfield *et .al.,* 2003). Reconciliation and reintegration reorient people from the adversarial and antagonistic relations in the time of conflict to more mutually respected and cooperative relations. Essentially, reconciliation helps to develop healing-relations between the victim and the offender that is needed for attaining durable peace and democracy. Establishing democratic processes and structures is fundamental to addressing post-conflict challenges. However, democracy cannot travel for if it does not build locally. Similarly, democracy cannot function in injustice and in a legacy of violence in any post-conflict situation. Therefore, reconciliation is an integral part of developing and strengthening the broader democratic process. The major concern for the post-conflict societies is to ensure that the people engaged in violence will not resume their violent acts (Upreti, 2006).

Rehabilitation means a process of settling the conflict victims by providing them physical and psychological means in a new setting. Recovery is a process of bringing conflict victims to a normal situation that requires giving social, psychological and financial supports. Both the rehabilitation and recovery programmes are long-drawn process that requires special attention.

In a strict sense, reconstruction is a process that seeks rehabilitation and recovery mainly of physical infrastructures. However, in a broader sense, reconstruction also involves social, political, spiritual, physical and financial abilities of conflict victims to resume accomplish their normal life.

9.2.11 Managing and/or Addressing Public Expectation and Frustration

One of the major characteristics of transition is higher expectation of people and a situation of turning this soon into deep frustration for them. When there is a political change or when civil war ends, people who have suffered for a long time wish to get rid of all the problems and difficulties they faced in the past. They expect to see

their voices heard, their opinions respected and their demands fulfilled. People feel frustrated with the leadership or even with the change if the new leaders fail to address their concern or fail to constructively engage with them. Once the trust with political leadership is eroded, it is extremely difficult for leaders to manage the transition. Therefore, it is essential for the political leaders and decision-makers to deal with the expectation of the people and address their frustration in time. One of the established methods of addressing such expectations and people's frustration is to engage with them, discuss the potentials and limitations with them openly, and make them part of the decision making process. Nepalese politicians never applied this principle in the past and therefore they have to face   serious difficulties with the Madheshi people, the Janajatis, women, and the minorities.

9.2.12 Obtaining International Support

On one side, international support in terms of financial resources as well as moral and symbolic aspects is crucially important to successfully manage transition. On the other, it is equally tricky for political leaders to act on the political pressures from the international forces. Hence, finding a balance between support and interference is crucially important. It is not uncommon for the international community (particularly the big powers) to directly engage in the internal affairs of the countries facing a civil war, armed conflict, or such political crisis. But maintaining good relations and keeping foreign powers away from for internal interference is the task of the political leaders. In the case of Nepal, political leaders are found excessively relying upon the external political power. When politicians engage in obtaining small personal benefits (such as scholarships for their children, international visits or receiving other gifts and benefits) from international power centers, their credibility in the eyes of the people gets reduced.

9.3 Transition to Transformation

New Nepal is possible only when the existing obstructions (political, economic, social, cultural, and psychological) are dismantled and commitments made with a new vision.   It is

virtually impossible to transform the feudalistic, centralised, unitary, monarchist and exclusionary country into a modern, equity oriented, federal Nepal without transforming the perspective, thinking, action and behaviour of people of Nepal (Baechler *el. al.,* 2008) first. Realising the goals of new Nepal requires bringing transformation in the following areas:

9.3.1 Actor Transformation

One of the main conditions for realizing new Nepal is to have change in the political leadership. Nepal is facing a shortage of visionary and charismatic leaders. There are thousands of potential young leaders in this country but they are sidelined and prevented from rising by the outdated politicians of authoritarian orientation, and behaviour. New and a more visionary leadership is absolutely essential to have in every political party. However, transferring authority and responsibility from the old to the young and energetic leaders needs time to happen. Change of attitude in the old leaders is also equally important and that could come about gradually through exerting internal (within the party) and external (from society) pressures.
 Changes are also required in the organisational structures procedure and mode of representation of the political parties.

Similar changes are required in bureaucracy. The existing bureaucracy is nurtured, trained and oriented to act to control people's behaviour, instead of being a facilitator of change and serving the people, a tendency to administer them. The change in bureaucratic orientation is a precondition; therefore the same principle applies to state security forces and the judiciary. The Civil society, the business community, party members and citizens have also to change their orientation in thinking and in their perspective and behaviour by acknowledge the principles of equity and by assuming accountability and responsibility for their action. Shifting the blame on others and engaging in opportunistic actions are the common characteristics of all sections of society in Nepal today   .

Altering the existing elite structures from the centre to the outlying regions social structures at all levels based on equality is crucially

essential to have to realise new Nepal. This can happen only with a change in the perspective, mindset, heart, and will of the elites.

9.3.2 Rule Transformation

Changing action and behaviours also requires a change in the rules of the game. Most of the existing laws, rules and regulations are the controlling arms of the exclusionary state and serving narrow, vested interests of the political, economic and bureaucratic elites mainly. Therefore, transformation of the constitution, of laws, regulations and procedures are preconditions for bringing about new Nepal. These changes have to be made through legitimate procedures and election is the chief basis for doing that.

9.3.3 Issue Transformation

Nepali society is transforming from a state of civil war to achieving durable peace. Hence, all issues and agenda of the war-time should be changed for strengthening peace and democracy. While in transition, country is running from the interim arrangements (e.g., interim parliament, interim government, interim constitution, etc.) to reach a more durable and stable arrangement (e.g., elected parliament, permanent constitution made by the people, an elected government, etc.). Only the elected people have a mandate to govern and rule the country in accordance with the governing principles. The role of the government should only be that of facilitators, and not of a controller and all nominated posts should be replaced by elected or competitively selected members.

9.3.4 Structure Transformation

Transformation is also required in the existing structure of relationships and power distribution. The centrally controlled power and resource pattern, by excluding the local people and the, people form the geographically remote areas, is debilitating. Hence, there is a strong need to have a federal governing system allowing, state structures that are ensuring people's rights and responsibilities. Change in the existing asymmetric power relation

and resource distribution through the promotion of localised structures is necessary to have for realizing new Nepal.

9.3.5 Context Transformation

Transformation of exclusionary and controlling patterns of governance into those of a participatory and facilitating nature a republican system to replace the monarchy , elimination of abusive state characters (violation of human rights, impunity, criminalisation of politics, institutionalised corruption, favoritism and nepotism, etc.) and to have in their place a more transparent, accountable and deliberative state governing system, and to end all exclusionary, discriminatory and gender insensitive actions and promote inclusive, non-discriminatory and gender-sensitive practices, are essential for the realisation of new Nepal.

9.3.5 Value Transformation

Perception, orientation and behaviour of a person are guided by his values. Hence, behaviour is influenced by the values of the actors involved in conflict. When violence is internalised as a means of social change and political transformation, violent action in the political process is a more likely outcome. But if the value of the political actors is oriented more toward a non-violent means, co-existence and respect for other people is more likely. Therefore, it is extremely important to focus on changing or transforming the values of the major actors engaged in political transition.

9.4 Conclusions

While examining the management of the current transition in Nepal, some of the fundamental components listed above are missing or ignored from the beginning. Multiple political interests, opaque dealings and power-hungry action and behaviour on the part of the key political actors have shaped the course of the entire peace process. One of the main weaknesses to witness is the lack of honest implementation of the written or unwritten agreements by the political parties.

The management of the whole transition process is non-transparent, elite-centric, and consequently, exclusionary in nature. Neither the political parties nor the government seriously worked to ensure the above mentioned elements during transition management (section 10.2). They failed to sincerely implement the agreements and understandings made in the past. The members of the High Level Committee (composed of senior-most leaders of the SPA) and the government ministers were reluctant to commit to abide by the agreements reached in different times and to address the issues and concerns raised during the 2006 April popular movement and thereafter. They were being more reactive than proactive in dealing with the concerns of the people (e.g., if some groups exerted pressure through strikes, agitation and use of force, they yielded to their demands, but were reluctant to implement them later). Political leaders in the decision making positions were evading the issues of restructuring the army, to end the state of impunity, take action against the proven human rights violators and implement the various components of the transition management (section 10.2) and transformation (section 10.3). The political leaders and the main political parties are excessively guided by their narrow, vested, personal and party interests, rather than guided by broader national interests. The repetitive postponement of the constituent assembly election is a vivid example of it.

The mind-set of the key political actors and their unwillingness to go in for an inclusive state is a major challenge for the successful transition management of the unitary top-down exclusionary state and its transformation into a federal inclusive and democratic nation. The leaders have not yet been able to visualize the need for effecting a fundamental transformation in Nepal's feudal system, and for giving equal rights to the people of all sections of the society. They saw themselves as the only people responsible to manage the nation, and viewed all other people demanding their rights (e.g., Madheshis, Janajatis, the minorities, women, the disabled groups, etc.) as problem creators. The powerful leaders of the major political parties and the GoN acted in the manner of being the owners of the state, with an authority to give or not tp give power to other people as their sole right.

Managing the people's expectation, bringing the international power centers to support the cause of the peace process, and holding the constituent assembly elections successful are some of the challenges facing Nepal's transition today.

Nepal's transition can be successful only when Nepali politicians can keep aside their vested and narrow political interests and collectively work for achieving broader national interests. Different groups with their various demands at present wait until the accomplishment of the constituent assembly elections and the formation of an elected government. It is crucially important to review the past achievements and the past problems, focusing on the process, mechanisms, outcomes, and the spirit of various agreements (by avoiding to engage in blames and counter blames), and coming forward with commitments to order new institutional arrangements and appropriate processes and procedures that can ensure a smooth transition from a state of war to of the conditions of peace, by holding the constituent assembly election ,and by honestly addressing the grievances of the Nepalese people.

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