

Nepal proclaims itself a 'federal democratic republic'

But whether it definitely becomes one is to be decided in April

BY AJAYA BHADRA KHANAL

IN DECEMBER 2007, NEPAL'S INTERIM legislature proclaimed itself "a federal democratic republican state." Nepal had previously amended its constitution to become federal in March 2007, but this bill abolished the monarchy as well. For this poor, land-locked former kingdom in the mountains and foothills of the Himalayas, such a change would be a huge step. Nepal, sandwiched between India and China, has few natural resources beyond quartz, hydroelectric power, timber and scenery. After a 10-year civil war that drastically hurt tourism and other industries, all parties were eager for peace.

The monarchists, once one of three main political forces in Nepal (along with the Nepali Congress Party and the Communists), have dwindled into a minor political movement. The monarchy's popularity sank after the death of King Birendra in a notorious palace massacre in 2001. After his brother Gyanendra dissolved parliament and took control to battle Maoist insurgents in the civil war, human rights abuses by the government turned many against the king.

The resolution in parliament that abolished the monarchy was passed by 270 votes to 3, with 56 abstentions. The vote must still be confirmed by a special constituent assembly to be elected on April 10 to draft a new constitution.

An unlikely choice

With an average Nepali earning less than US\$1 a day, the words "democratic" and "republic" seem to an outsider to represent goals that Nepalis might aspire to. But why was "federal" added to them? The answer lies in the diversity of Nepal, in its geography, its many ethnic groups and in a widespread mistrust of rule from



The end of the road for Nepal's King Gyanendra came on Dec. 28, 2007. The legislature declared the country a 'federal democratic republic' and stripped the king of all his remaining powers.

the capital, Kathmandu.

Just two years ago, Nepal emerged from a 10-year civil war between the Maoists and the Royal Nepal Army. With a third of the population living below the

poverty line and less than half the population able to read and write, the insurgents found fertile ground when their revolt began. After the loss of more than 12,000 lives both sides were tired of the war.

In April 2006, the king was forced to recall parliament and step down from

Ajaya Bhadra Khanal is Acting Editor of *The Himalayan Times*, a daily newspaper published from Kathmandu.

power in what became known as “the April Revolution.” This non-violent revolution produced a partner that was willing to negotiate with the Maoists to end the war: a seven-party alliance of all the centre and left parties in parliament.

However, the Maoists only agreed to lay down their arms and enter the political arena in return for membership in a coalition government and an agreement to abolish the monarchy. Both conditions were met by the seven-party alliance and the cease-fire has held.

At the request of both the alliance and the Maoists, the UN sent a mission to Nepal beginning in January 2007 to verify the armaments of both sides and to assist in the peace process.

The UN sent arms inspectors, mine action experts, elections advisors and civil affairs advisors to seven different sites in Nepal.

Conflict rooted in diversity

Nepal’s conflicts arose out of geography, ethnicity and class. The country is made up of the mountains in the north, the hill country in the middle, and the Madhesh plain in the south. There are more than 100 different ethnic and caste groups in Nepal, most of whom live in the hill country and the Madhesh.

Most people in the north and hill country

speak one of 13 Tibeto-Burman languages while most Nepalis in the south speak one of 6 languages related to Hindi. In the Madhesh, conflicts over land between Tibeto-Burman Nepalis and Madheshis have continued to today. The caste system prohibited access by lower-caste Nepalis to many professions, and minority ethnic groups were usually treated the same as the lower castes.

The Maoists were one of the splinter groups of the Communist Party of Nepal. After they broke away, they began the civil war, launching a “People’s War” in the countryside in February 1996. In 1997, while reviewing the first two years of the war, the Maoists adopted a strategy of creating national or ethnic and regional fronts pushing for regional autonomy

and the right to self-determination of oppressed nationalities. Eventually, federalism, an unlikely choice for communists – who generally believe in strong central governments – came to be seen as a politically acceptable solution to the Maoists.

Maoist leader Dr. Baburam Bhattarai said in an interview: “We did manage to insert the provision (in the peace agreement) that there would be an end to the unitary state structure.”

“For us, the only alternative to a unitary state structure was a federal state structure.”

In the early 1990s, a small group of politicians in the Nepali Congress Party, with their roots in academia, began to express dissatisfaction with the centralized state machinery, and began promoting both regional structures and

otherwise known as the Communist Party (UML). It is the country’s largest communist party aside from the Maoists. This meant that all three large parties in parliament agreed that Nepal ought to be a federation.

Concept still fuzzy

Nepal has never had experience with a federal system, and many Nepalis are unfamiliar with the concept. Yet there were grassroots organizations campaigning for such a change in the political system.

In the Madhesh region, people continued their protests long after the April Revolution. In December 2006, part of the Nepal Sadhbhawana Party organized a campaign in Nepalganj in western Nepal to demand a federal system. It marked the beginning of confrontations

between the Madheshi people and people from the hill country who had settled in the Madhesh. A similar incident in eastern Nepal in January 2007 triggered a second period of unrest led by the Madheshi People’s Rights Forum.

“The idea of federalism may not have been incorporated in the constitution were it not for the Madhesh (protests). It is a bitter truth,” said Nepali Congress General Secretary, Bimalendra Nidhi, who also represents the Madhesh.

To help Nepalis gain access to the political process that will decide their future, Nepali and international non-governmental organizations (NGOs) have been hard at work. Care Nepal helped an organization of the lowest caste members in Nepal, the former untouchables, to organize a national workshop on the role of political parties in ensuring representation of the lowest caste members.

In November 2007, a radio program on how to participate in the electoral process was produced and broadcast to remote rural areas by the Collective Campaign for Peace, a grassroots network, with support from the Washington-based Advocacy Project.



Maoist supporters destroy a royal symbol on a “Welcome to Kathmandu” sign in October 2007.

REUTERS/OPAL CHITRAKAR

federalism as antidotes.

By the middle of 2007, this party had also converted to a federal system. In its election manifesto, it said that the “will to end conventional state structure and rule and carry out a democratic restructuring of the state” was one of the mandates of the April Revolution.

The Nepali Congress Party has proposed a three-tiered federal structure, including the centre, regions and local governments. They want the central and regional parliaments to elect the head of state. There would be a bicameral parliament in Kathmandu and unicameral parliaments in the regions.

During the civil war, federalism had also made inroads with the Communist Party of Nepal (United Marxist-Leninist) –

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In December, South Asia Partnership Nepal called on all political parties to implement a gender-friendly code of conduct that would enhance women's representation in politics.

Unitary state abolished

After the victory of the April Revolution in April 2006, the political parties drafted an interim constitution for Nepal, which was passed by the seven-party alliance in December 2006 and approved by parliament in January 2007 with a unanimous vote of all 185 members present.

The document began with a bill of rights and limited its restructuring of government to a statement that Nepal was "eliminating (the) existing form of centralized and unitary structure" of the state.

The constitution went on to state that the restructuring of the state would address problems related to women, Dalits, indigenous tribes, Madheshis, oppressed and minority communities

and other disadvantaged groups "by eliminating class, caste, language, sex, culture, religion and regional discriminations." It also provided for a High Level Commission to recommend restructuring the state, but left the final decision on restructuring to the Constituent Assembly.

So it was only after the protest movement among the people in the Madhesh in southern Nepal that the prime minister adopted federalism as a central focus. Other parties soon followed suit after a national television address by the prime minister.

Constitution changed

On March 9, 2007, the constitution was amended to create a federal system while carrying out inclusive, democratic and progressive restructuring of the state. The amendment also increased the number of parliamentary seats for the Madhesh so the 20 districts in the southern plains would have 49 per cent of the electoral constituencies.

An interim constitution approved by a coalition government is one thing – a final one adopted by democratically elected representatives is quite another.

That is why the official confirmation of a federal democratic republic will not be made until after the April 10, 2008 elections for a Constituent Assembly to write Nepal's new constitution. The government agreed to the new date in December 2007 and agreed to elect 58 per cent of the 601-member assembly by proportional representation and 42 per cent by single-member constituencies. The Maoists and the Madheshis had been calling for 100 per cent proportional representation. The agreement has been long-awaited: the elections had already been postponed twice before the April 10 date was agreed upon.

After the Madheshi protests, the basic principle of federalism was accepted as a political necessity. Yet the subject has been on a back burner of Nepali politics, and to implement a federal system, it needs to move to the front burner. 



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From rebels to parliamentarians: Nepal's Maoist rebel leader Prachanda (centre) and Maoist deputy leader Baburam Bhattarai (r.) sit next to Madhav Kumar Nepal of the Communist Party (United Marxist-Leninist) in Nepal's parliament last year.