

# Dialogues



## The monarchy and democracy in Nepal

THE project on the State of Democracy in South Asia (SDSA) is a 30 month study undertaken to evaluate the democratic enterprise in five South Asian countries: Bangladesh, India, Nepal, Pakistan and Sri Lanka.\*

The following text has been compiled from three dialogues held in Nepal: ( *i* ) 'Democracy in Nepal: Experiences of the Past and Agenda for Future', held in Dhulikel on the 22-23 November 2003, ( *ii* ) 'Majorities and Minorities: Towards Inclusive Futures in Nepal', held in Kathmandu on the 11-12 August 2004 and ( *iii* ) 'Democracy and Human Security in Nepal', held in Pokhara on the 27-28 November 2004. There were approximately 32 participants who attended each of the three dialogues representing more than 35 different organisations – activists, civil society organisations, journalists, party workers, those from ethnic organisations which included janjatis, dalits and madhesis, and those from universities.

Dialogues are exercises that seek to recover multiple perspectives on democracy from a variety of interests and groups in society. They were specifically chosen as one of the components in the SDSA study because there exists a pluralism of knowledge universes that needs to be recovered, recognised and registered. The dialogues were of two types: ( *i* ) general discussions on the state of democracy in Nepal and ( *ii* ) thematic dialogues on specific topics such as (a) democracy and human security and (b) democracy, majorities and minorities. The dialogue participants were drawn from a cross-section of interests, ideologies, social strata and groups to ensure that no particular perspective dominated the dialogue and that participants got an opportunity to listen and consider, in an enabling atmosphere, perspectives other than their own. The dialogues were deliberately loosely structured to facilitate a free flow of discussion. They were also recorded so that an oral archive could be created and a report of each produced. Beside dialogues, the SDSA project uses three other methodologies: A cross-sectional sample survey of the political attitudes of citizens in the respective countries, qualitative assessment of the institutions of democracy and case studies presenting 'inconvenient facts' which problematize the discourse on democracy.

Comments on the monarchy and democracy in Nepal were made during all the three dialogues. This report attempts to recover these comments along certain broad themes. The interventions have been reproduced verbatim so as to maintain the original flavour.

*The major role played by the monarchy in Nepal's politics and democracy.*

'We also have limitations as is seen in the hesitation to discuss certain things such as the monarchy, but this is what influences politics in Nepal the most. Not to discuss this is to address the political issues only very superficially.'

'In Nepal, the monarchy is an independent variable which affects all the other political variables. Monarchy is not under serious questioning. There is dissatisfaction everywhere. Dalits are raising the issue of reservation. We need to address this. There is a clear tendency towards Kathmandu-centrism. The elected MPs started settling in Kathmandu, irrespective of where they were elected from. All this aside, we are trying to reinvent democracy with 13 years of experience in the background. The challenge is about consolidation of democracy and ensuring the sovereignty of people. Parties have not been able to take a stand on fundamental issues. They have a tendency to compromise.'

*Some of the academicians in the dialogue expressed different views about the kind of role that the monarchy should play in Nepal.*

'There seems to be one point missing in the concept of assessment proposed as far as the experiences in Nepal are concerned. That point is related to the structure of the polity and the need for its restructuring. We have now come to realize that our understanding of democracy has been very conventional and perhaps this is true in most of South Asia as well. Some of us have been re-educated by the experiences of the last 13 years in Nepal, but this re-education is limited to only a very small section of the enlightened people in this country. Monarchy has been active in our country for a long time. The king is considered as the creator of this kingdom. This is peculiar to Nepal. There are various models in practice in Europe, but we ended up adopting the British model. It could be because of the long experience of colonialism that we also began to see them as our model. This obviously limited our democratic imagination to representative democracy and we could not move forward to more participatory democracy as is being practised in the Scandinavian countries.'

'The questions related to monarchy are central to the discussion on democracy in Nepal. Is monarchy the real symbol of unity as is generally claimed? Or is it in fact a source of fragmentation and division? Is this sustainable to democracy? We are realizing that monarchy itself is the real barrier to democratisation in this country.'

'There is a need to contextualise democracy in Nepal considering that it has a monarchy and that the king is thought to be the creator of the kingdom.'

*Many felt that there exists a conflictual relationship between the monarchy and democracy. The monarchy has intervened on a number of occasions in the working of democracy in Nepal. The following view was expressed by a political party worker.*

'[We] need to change the structure of the monarchy and palace. In

Nepal's 235-year history less than 50 per cent was spent under active monarchy, yet it remains a central element of Nepal's polity. There has always been a conflict between the king and the people be it in 1950, 1960 or in 1990. King Tribhuvan promised elections to the constituent assembly, but did not comply, King Mahendra usurped power militarily and King Birendra continued the same. The present king also seems to be doing the same. We need to settle this issue [once and for all].'

Nepal is in a situation where the basics of democracy, the core questions, are yet to be resolved. This is increasingly becoming apparent in the present political context when the king is exercising his extra-constitutional power. Why did this situation come into existence? For many the failure of the political leadership is the prime reason behind this. The failure of the political parties to democratise themselves is pointed out by many, including those in the higher decision-making position of the parties. This does not, however, mean that the king acted out of necessity. Many have pointed out that the monarchy in Nepal is obviously at loggerheads with the basic functioning of democracy. As one of the participants stated, "In democracy people can punish the political parties for their wrongdoings, but how will we punish the king if he does wrong".'

*Two major reasons have been cited for the monarchy's intervention in the functioning of democracy: (a) The ambiguity in the constitution that was drafted in 1990, and (b) The weaknesses of the political parties in Nepal.*

*a) On the ambiguities in the constitution the following observations were made by party workers, political and dalit activists:*

'The monarchy is active in Nepal. The position of the monarchy was not made clear when the constitution was framed. It should have been brought under the parliament but compromises were made. In theory the executive should be under the legislature but in practise it is the opposite.'

'Serious questions have been raised now about the kind of democracy that came into existence following the political change in 1990. Confusions were created from the very beginning during the process of drafting of the new constitution. The draft prepared by the constitutional commission was revised by the palace. The provision of referendum on key national questions was not included in the final version. The confusion also remained in the setting up of the national security council. In short, the democracy we introduced in Nepal was basically the representative liberal democracy with several compromises with the palace. We had thought then that since there is a wave of democratisation everywhere, the king couldn't conspire again.'

'Now we are facing the consequences. The liberal democratic framework has been torn asunder by the recent actions of the king and we are now being ruled by nominated representatives. ...The issue regarding the sovereignty of the people has not been settled.'

'The 1990 constitution did not keep the king within the constitutional boundary. It is an ambiguous constitution unlike the constitutions of Japan or Britain. The king has not passed on the rights to the people and feudalism still

continues.'

'...But we have a constitutional void. People's expectations were increasing in Nepal, but the Nepali Congress also could not keep them in track. 1951, 1960 and after that, 1990 came. 1990 happened to work for the people. Roads, electricity, education will develop in their time but we could not address people's basic needs, in particular the needs and expectations of dalits and janajatis. The state should be liberated by democracy.'

'Clause 127 in the constitution allowed the king to play with the constitution.' [Article 127 of the Nepali Constitution provides for the 'power to remove difficulties.' It states: 'If any difficulty arises in connection with the implementation of this Constitution, His Majesty may issue necessary Orders to remove such difficulty and such Orders shall be laid before Parliament.']

*In the same vein it was stated that the monarchy has remained powerful because the military was under its control. Dialogue participants felt that the military should not be under the control of the monarchy but be brought under parliamentary control.*

'The security forces should be under the control of the parliament. It was a mistake to include the commander-in-chief of the army in policy-making as done in Nepal through the provisions of the security council.'

'The question of monarchy is an important one in Nepal. There can be either active or constitutional monarchy. In Nepal, the army is still not under the elected parliament. We witnessed the case of Holeri where the army did not follow the order from the PM.'

'The military has to be under the parliament and should be accountable to the people.'

*b) On the intervention of the monarchy in Nepali politics due to the ills plaguing the political parties in Nepal, participants who included political workers, party representatives and social activists had the following to say:*

'Where is the threat to democracy – from below or from above? The democratic opening allowed for public expression of anger. In the conventional sense political parties are supposed to represent these voices and aspirations but this does not seem to be happening. The Maoists cashed in on this situation. So a threat to democracy was built up from below also. Perhaps the popular demands were not properly managed.'

'Parties are to be blamed for activating the monarchy. Was it not Man Mohanji who went to the palace and requested the king to stop the dissolution of the parliament when Girija Babu dissolved it? This has happened many times.'

'The king has become powerful due to party divisions.'

'The Nepali Congress and UML are the main parties who have structures throughout the country. But their attention is towards the king. They are conservative in making budgetary allocations to the local government and

the devolution of power. The king does not have to be compared with any one. The Maoists do not seem sincere on social transformation. They have only used the people from lower level politically. The agitation of the four parties has also not met with success. Our party itself does not have a clear vision. Struggle for what?'

*Despite the factionalism, deadlock and corruption among the political parties, the monarchy's interventions were not justified, as an academician pointed out.*

'With respect to democracy in Nepal key questions have to be resolved... The king is exercising extra-constitutional power. It was accepted by a delegate from the Nepali Congress that the political parties failed to democratise themselves. This however does not mean that the king acted out of necessity.'

*On the monarchy's political interventions, participants equally blamed the political parties for failing to arrive at a consensus about the role of the monarchy in Nepali democracy.*

'Parties did not protest the king becoming powerful. It seemed like they do not want any change which would make their roles less secure.'

'There have been several movements after the restoration of democracy, but these movements did not become topics of discussion in parliament. The political parties also function like the administrative system – the leaders operate as if they are the bosses. They consider people only as clients and voters. We need to work towards building an active citizenry.'

'Leadership in Nepal is status-quoist in action though revolutionary in party documents.'

'Regarding the ambiguous constitution there has been no consensus among the political parties. The Nepal Congress abandoned the issue of constituent assembly in 1958.'

*With regard to the Maoists it was pointed out that the Maoists themselves not very serious about binding the monarchy.*

'The Maoists are against the constituent assembly... if the Maoists are serious they should first bind the monarchy constitutionally.'

*Some participants from civil society organisations pointed to positive outcomes of the working of democracy in Nepal.*

'Democracy in Nepal has raised people's self-confidence. The literacy rate has gone up from 26 per cent in 1990 to 52 per cent now. The king has no courage to throw the constitution into the gutters. The state is increasingly militarised but people are also speaking out. Nepal cannot go back to the days of a guided democracy.'

'Democracy is an accountable governance system. Questions are raised in democracy and they have to be answered. Democracy is under threat in a

place where these questions are not answered or when leaders hesitate to answer them. We all accept that many things could not be done in the last 13 years but the most important thing is that the voices of people oppressed for centuries are being raised. There have been public debates about discrimination and oppression. It is true that we still hesitate to raise questions regarding the monarchy, but that is no longer the case as far as other leaders are concerned.'

'One positive aspect is that people can express everything without hesitation. Wide discussions are going on, people are speaking at all programmes, but political parties are not being able to speak expressively. The voice of civil society, only, is not sufficient. The Maoists first banned the activities of political parties and then the parties gradually vacated the villages. So all the space became vacant for the Maoists. Therefore, I request the political parties to make their perspectives clear on this issue.'

*Reflections of the representatives from various ethnic organisations and left parties regarding: (i) The relationship of the monarchy with different sections of society and (ii) The place of minority and caste groups in Nepal's democracy.*

'While framing the constitution in 1990 it was thought that Jung Bahadur's Muluki Ain (Civil Code) did away with caste discrimination, but feudalism has remained. The king has kept caste differences functioning for his own interests. The tradition of washing the feet of the king is still being kept.'

'King Mahendra destroyed forests and the environment in 1960. He resettled people in the hills of the terai so that the madhesis will not come up. Although there are other languages which exist besides Nepali, for example, Bhojpuri, Awadhi, Maithali. They are neither protected nor conserved. It has been said: one costume, one language, one king and queen and one country.'

'During 30 years of panchayati rule, the dominant language, customs, religions and cultural practices were imposed on all the people. In parliament these practises still remain in the form of dress codes and the mandatory use of the Nepali language.'

'The present constitution of Nepal does not accept the notion of a minority. It recognises Nepal as a multilingual, multi-religious, multi-ethnic society but considers Nepal as a Hindu state and Nepali as the only official language.'

*Many felt that to consolidate democracy the role of the monarchy needs to be settled constitutionally and that democracy must become more inclusive. The primary responsibility to ensure this was placed on the political parties.*

'The monarchy is increasingly becoming an obstacle to consolidating democracy, but we are at our wits end as to how to deal with this situation. We have not been able to internalise democracy. We still think that the king is powerful. We have the Maoists who are also emerging as a powerful force.'

'We are talking about including dalits, janajatis and women but this cannot happen without resolving the central issue – that of the position of monarchy. The parliament has appeared to be rather weak in dealing with the behaviour of the monarchy. Many a time bills passed by parliament did not come back from the palace, but the parliament did not ask about it.'

'The challenge is the consolidation of democracy and ensuring the sovereignty of the people. Parties have not been able to take a stand on fundamental issues. They have a tendency to compromise.'

'No institution can remain outside the accountable structure in democracy. It had been suggested that if the king is not behaving himself within the limits set by the constitutional monarchy, then he should be impeached... Privileges have to be codified in democracy – be they those of a monarch, or specific groups, or political parties. There is a need to get rid of unwritten privileges.'

'We need to be clear where the fault lies – in the constitution, or in the implementation of the constitution? Most of the people are excluded from mainstream politics. Democracy is limited to a signboard. This is why people are not participating well in the movement of the agitating political parties. This movement has to be democratized. We also need to reflect on what kind of priorities were set during the last 12 years. Who decided on them? How much were we concerned about creating an active citizenry? Democracy is not considered beyond a personal estate of the leaders. No institution was exception to this. People were made into “consumers” of democracy. The local issues were marginalized.'

The above comments point to different attitudes to the monarchy – from seeing the king as a unifying figurehead to representing him as an obstacle to democracy. Overall, with respect to the monarch the following main themes informed the dialogues: ( *i* ) the centrality of the institution of monarchy within the political system, a centrality that needs to be defined in terms of whether the king should merely be a figurehead or an executive presence, ( *ii* ) the infirmity of the 1990 Constitution which gives the king the power to 'remove difficulties', ( *iii* ) the control of the army by the king, ( *iv* ) the division and ineffectiveness of political parties in opposing the king, ( *v* ) the attempt to present the monarch as a Hindu king and Nepal as a Hindu kingdom, disregarding the presence of social and minority groups, and ( *vi* ) the need to constitutionally define the place of the monarchy.

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\* The State of Democracy in South Asia project is co-funded by the Ford Foundation, International-IDEA and the Economic Cross-Cultural Programme of the European Union.

