In pursuit of inclusive democracy for a multi-ethnic state: Nepal at the crossroads

Alpo Ratia

Nepal's Maoist insurgency has already claimed 15,000 lives; the country is in danger of becoming a failed state but the fluid political situation could also open the way to democracy. Towards a Democratic Nepal sketches the socio-cultural factors and political dynamics which have led to today's crisis. Author Mahendra Lawoti thereafter assesses the alternatives, and makes recommendations for reforming Nepal's institutions and political culture.

Embedded in the Himalayas between India and China (Tibet), Nepal's difficult topography has helped create a remarkable ethnic and cultural mosaic. Nepal's population of over 21 million officially includes 59 ethnic groups, tribes and castes; their members speak some 100 different Indo-Aryan and Tibeto-Burman languages, and practise a dozen different religions. Since the Gurkha conquest and unification of Nepal in 1769, the Newar speaking Hindu males have secured dominant status in most spheres of society. Despite attempts at parliamentary democracy since 1951, Nepali communities continue to suffer from political and economic underdevelopment. The lack of democratic consolidation has serious consequences for Nepal's people.

Political exclusion of the majority, the resulting instability, and possible solutions have been frequent objects of study for Nepal's journalists and social scientists since the 1990s. Some of the most promising writing has come from Krishna Bhattachan and Mahendra Lawoti. The latter's 1999 doctoral dissertation Democratic Domination was a critical study of Nepal's constitution of 1990 and its impact on the country's population.

Aiming to advance democracy, Lawoti subsequently studied three topics: the composition of Nepali society and its congruence with the state structure; people's satisfaction with the state and its policies; and conflict management, democratisation and inclusive political institutions. For this be spent 19 months in the field collecting data and interviewing ethnic and political activists. The resulting publication, Towards a Democratic Nepal reviewed here, is essentially a bipartite monograph: the first part (pp.19-153) sketches the post-1990 political developments and socio-cultural and legal factors leading to today's impasse, while the second part (pp.154-213) is more prescriptive. It assesses different methods to further dialogue and democratisation, and suggests what kind of constitution and political institutions might best serve the needs of Nepal's multilingual population.

Exclusion and majoritarian institutions

Drawing on Arend Lijphart's worldwide comparisons (1990) of democracies and conflict management, Lawoti notes "Exclusion is not desirable in a multi-ethnic state because it constitutes inequality and injustice and threatens to unleash large-scale ethnic violence" (p.21). The restoration of democracy to Nepal in 1990 allowed the possesed ethnic groups and castes to voice their grievances and aspirations. They were, however, excluded from participation in the governance. The new constitution's establishment of majoritarian institutions (a non-proportional electoral system and unitary state structure under a strong executive) and its discriminatory articles (vis-à-vis language, religion, culture and gender) together ensured continued dominance by the CHHEM (Caste Hill Hindu Elite Male) minority, i.e., the 'Hill Brahmins and Kshatriyas' (Purbh Bahuus and Chhetris) from western Nepal.

Lawoti's Integrated National Index of Governance (1999) (pp.199-210) reveals the incidence of socio-cultural groups in Nepal's population and in positions of influence (judiciary, parliament, civil services and security forces elite, party central committees, etc). The CHHEM constituted 37.6% of the population, but CHHEM males held 67% of influential posts. In contrast the Dalit (untouchable) Hindus, 9% of the population held 6%, the Madhesi (southern Tarai Hindus and Muslims, 15%) held 17%, while the Newars (from the Kathmandu Valley, 6%) held 17%, and the other Tibeto-Burman speakers (Adhikar Jana- jati, 2.2%) held only 7% of influential posts.

The exclusion of the majority from gov- ernance, discrimination in resource alloca- tion and services, and mounting dis- satisfaction led to the radicalization of part of Nepal's communist movement and the rise in 1996 of a Maoist insur- rection. The number of deaths directly attributed to the low-intensity civil war may be modest, but Lawoti's Prelimi- nary Cost and Benefit Analysis of the Maoist Insurgency (p.61) shows that the human cost, infrastructure destruction, and political and economic strain for this developing country have indeed been high. Violence by other disaffec- ted ethnic/caste/regional groupings has so far been limited, but Lawoti's analy- sis suggests worse to come. The time frame studied by the author ends with the dissolution of parliament and resumption of direct rule by the palace in May 2002. Now we see that the gov- ernment's effective jurisdiction has shrunk to urban centres and the field of operations of its army, while much of the countryside is under the sway of the Maoists. A new development is the hes- itant dialogue between government, political parties, ethnic groupings, and the Maoists.

Democratic deliberation, inclusive governance

In view of Nepal's flawed state structure, civil war and fluid political situation, Lawoti declares "It has become impera- tive that major political institutional reforms be carried out in Nepal to bring the Maoists into mainstream politics, if not for other reasons" (p.194). The Maoists have repeatedly demanded a constituent assembly to draft a new constitu- tion. Lawoti favours this also, pro- vided the transition process is demo- cratic in line with Robert Dahl's (1989) five crucial requirements: inclusion of socio-cultural groups, their effective par- ticipation, equality in voting, etc. Lawoti adds to this a convinced version of Krish- na Bhattachan's four-step process (2002), now in three enabling steps: pre- liminary round table conferences, a con- stituent assembly, and popular initia- tives. If the Kathmandu-centric elite does not become sensitive to the griev- ances of marginalized groups, then its opposition to major reforms risks being overwhelmed by ethnic mobilization - or by losses on the battlefield.

Part IV (pp.227-300) promises to be a significant stimulus to political dis- course in Nepal. Here Lawoti compares the functioning of federal institutions and practices worldwide in multicultur- al societies (Switzerland, India, etc), and then advocates ethnic federalism for Nepal. This would entail a multivalent, asymmetrical federalism with mecha- nisms such as a bicameral parliament including federal units, the emergence of Nagari- nities, plus territorial and non-territori- al units, sub-autonomy within autono- my, and self-determination for regions. Autonomy would be granted primarily on the basis of ethnicity/caste, second- arily on that of language. Whether groups are concentrated or not within a region would determine whether they can form a territorial unit. Territorial units are recommended tentatively for 16 socio-cultural groups (Limbus, Magar, Maithili, etc), non-territorial units for ten groups (Dalits, women, etc), and sub-autonomy with special privileges for eight groups (Baste, Mulang, etc). Fur- ther measures to protect small minori- ties would include proportional electoral methods plus affirmative action and reservation policies, and anchoring minority rights protection in the constit- ution and reforming the Constitution- al Court to better reflect Nepal's multi- ethnic society. The book ends with a plea that during these exceptional times, the opportunities for accommodation and power sharing must be seized.

In conclusion

Towards a Democratic Nepal is a very impor- tant book which should be of interest to third world and Third Party scholars in Himalayan, South Asian and development studies; second, develop- ment agencies and friends of Nepal, but most of all Nepal's own civil society, pro-gressive politicians, policy makers, and journalists. The monograph is well-written and carefully reasoned. Printing errors are few. Researchers will appre- ciate the extensive up-to-date bibliogra- phy (pp.322-356), even though the index is useful only for authors and political institutions. The author's expertise is apparent in his informative analysis of Nepal's Maoist movement (pp.18-64), of Nepal's socio-cultural civilizations (pp.87-102), and in his trenchant critique (pp.113-138) of the coun- try's constitution.

Lawoti's book presents a wealth of con- stitutional and institutional reform pro- posals to stimulate research, thinking, and action. The author draws upon many political scientists' theories of democracy and institutional models, some of which he seeks to creatively adapt. Moreover, he makes use of cross- cultural empirical studies, because 'The aim is to apply knowledge of the experience of other societies and refine the public policies to suit the local situa- tion' (p.284). Recognising that situa- tion's fluidity, the author takes a meas- ured and flexible approach. He makes clear which reforms he prefers and why, but other alternatives are acknowledged, and their sequence, relative advantages and viability are discussed against the backdrop of Nepal's realpolitik.

Certain omissions should stimulate fur- ther exploration. Because Nepal is one of the world's poorest countries, the problem of capital accumulation prob- ably needs to be solved before the cre- ation and operation of a complex net- work of federal institutions becomes feasible. The promotion of tolerance, development of a democratic culture, training of qualified administrators, and standardisation of regional languages all take time. This may also be prerequisites to the efficient function- ing of federalism in a diverse multicultur- al state. Hopefully Lawoti will address these issues in his future writings. The stakes are high, and the degree of inclu- sive democracy achieved will depend upon the level of understanding of Nepal's leaders and the evolving balance of political forces.

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