

CHAPTER I

CONTENTIOUS POLITICS IN DEMOCRATIZING NEPAL¹

Mahendra Lawoti

Nepal witnessed an explosion of contentious activities, both violent and non-violent, after the restoration of democracy in 1990. Why did the democratic years witness so many collective public protests? Did those activities promote or hinder the democratization process, which had, ironically, provided space for them? Often the Nepali state and the fledgling democracy appeared to be overwhelmed by those activities. Can the fundamental democratic rights to dissent, mobilize and protest work against new democracies?

The contentious activities ranged from the identity and gender movements, numerous public protests and strikes, and the Maoist rebellion. What were the causes and consequences of these activities? The aim of this volume is to understand these collective struggles and their relationship to democratization in Nepal. Did the Maoist insurgency increase people's power or undermine it? Did the frequent strikes and close downs of markets and roads facilitate the mobilization of people or constrain the work and lives of others? Did the identity and women's movements expand the democratic polity toward the traditionally marginalized groups or did they overwhelm the fledgling democracy?

Scholars have argued that collective mobilization can help deepen democracy by empowering more people (Markoff 1996; McAdam, Tarrow, and Tilly 2001). Others have said that it can empower the state as well, in addition to the social forces. The former could be strengthened through reforms forced by the mobilization while the latter could benefit from concessions received from the state (Migdal 1994). Indeed, despite the various shortcomings of the democratic period in Nepal, the mobilization of marginalized groups was a positive aspect. The poor, downtrodden and the traditionally excluded national/ethnic and caste and gender groups took advantage of the open space to articulate their aspirations, make demands, and mobilize to fulfill them. However, since the public space is open to anyone, including the powerful and privileged, the elite can also use it to maintain their domination and privilege. Did the well off and more organized groups benefit more from the political space? Mobilization requires resources, and hence could it be that the resourceful groups in the society, as the interest group literature informs us (Lowi 1969), are more often successful in getting their interests met and protected, including the maintenance of their traditional privileges?

On the other hand, mobilization could have unintended consequences, especially if these occur in large numbers and frequency and overwhelm the emerging democratic polity. Huntington (1968) has argued that when a lot of groups mobilize in changing societies, if the existing political institutions are unable to accommodate the new demands, polities could witness violence and destabilization. Is his classic argument relevant in Nepal? Are the conflicts in Nepal due to incongruence between the societal aspirations and state institutions, and were they exacerbated by the gaps between the demands of the mobilized groups and the inadequate response and incapability of the state? Since those who mobilize often seek resources or favorable policies from the state, it could intensify conflict among groups who control the state

and its resources and those who want a voice in the state and share of its resources. Indeed, the Maoists launched the insurgency after the state repeatedly ignored their demands, and received support from the population ignored by the state. In this context of varied and sometimes opposing possibilities, what were the impacts of different collective political struggles in Nepal? Specifically, have they contributed or hindered the democratization process?

DEFINING CONTENTIOUS POLITICS AND DEMOCRATIZATION

An open polity can encounter various forms of collective mobilization and conflict, especially if its structures and norms, both traditional and modern, privilege some groups while disadvantaging others. In this book, we are concerned with a subset of struggles that are often called contentious politics. McAdam, Tarrow, and Tilly (2001: 5) define contentious politics as ‘episodic, public, collective interaction among makers of claims and their objects when (a) at least one government is a claimant, an object of claims, or a party to the claims and (b) the claims would, if realized, affect the interests of at least one of the claimants. Roughly translated, the definition refers to collective political struggle.’² This book broadly concurs with this definition and will investigate collective struggles that have targeted the state. We will specifically analyze the Maoist insurgency, identity movements, and collective public protests that have occurred in Nepal after 1990. The contentious activities that occur within the formal political realm, like those that are part of the repertoire of activities that contribute in forming and breaking government, are outside the purview of this book.

In general, contentious politics can be analyzed in terms of the mobilization process and structure, framing process, opportunity, and repertoires of contention, and the interactions among the various collective political struggles. What processes and available structures have these

groups used and exploited? How do they frame their struggles? How do the shifting opportunities, which could become available through mobilization, networking, or changes in external environment, affect the struggles? On the other hand, how do the perceptions of threat, or the lack of it, affect the activities? How do the mobilizing groups and organizations build networks and tap resources? How do they exploit the existing ones? What forms of contentious actions and activities have been employed and how do their impacts vary? The contentious activities could also be analyzed in terms of claims of different groups, response of the state and other groups to the claims, trajectories of the struggles, and the activities' effects.

Democratization of a polity, on the other hand, means extending the political rights and civil liberties to more citizens as well as increasing the responsiveness of rulers. In McAdam and colleagues' (2001: 266) words, democratization 'means any net shift toward citizenship, breadth of citizenship, equality of citizenship, binding consultation, and protection.' At an operational level, it could mean several things. First, all adult citizens should be included in the polity as equals. All should enjoy full political rights and civil liberties, including unhindered rights to express themselves and to form associations. Second, contestation for public offices should be open to all, in principle as well as in practice, so that all citizens have equal opportunity to reach the decision-making bodies (Dahl 1989). Third, the public officials should be responsive to the needs and aspirations of citizens and accountable to them as well, not only during periodic elections but throughout their terms. Fourth, no elected individuals or groups should have special privilege over any public policy realms. Public policies should be made by elected officials (O'Donnell 1996). Fifth, the rule of law should exist so that citizens' lives and rights are protected and elected officials are held accountable for their actions. After getting power to the people (represented by the elected officials), which is the first step in

democratization, the next challenge is to ensure that elected officials are held accountable if and when they abuse power (Schedler, Diamond, and Plattner 1999). Sixth, in multicultural societies, the tyranny of the majority should be prevented. Not only does a majority not have the right to take away the political rights and civil liberties of an individual but it also does not have the right to constrain the cultural rights of minorities (Kymlicka 1995 a; Young 1990; Lawoti 2005a).

In the Nepali context, democratization could mean, among other things, expanding and deepening democracy by reforming the polity to include the traditionally excluded groups and extending civil liberties and political rights to them. It could also mean making public officials accountable and responsive to peoples' aspirations, going beyond periodic elections to hold them accountable. Contentious activities can contribute toward achieving those objectives. However, what is the empirical reality? Have they fostered inclusion and accountability and deepened democracy?

The collective activities discussed in this book were launched against the state, or rather the 'democratic' state. Herein is the paradox that this volume intends to explore. Have the collective actions, facilitated by a democratic dispensation, weakened or strengthened democracy? Did the collective actions of people against the democratic state contribute to the democratization process or has it disrupted democracy? Specifically, have such activities empowered underprivileged groups or constrained citizens? Did they fuel the Maoist insurgency by portraying the futility of peaceful collective struggles? Did they invite the King's 2002 and 2005 interventions by increasing the craving for order among a large number of people?

This edited volume plans to examine the various collective political struggles and their contribution or hindrance of democratization. The volume brings together outstanding work on

contentious politics in Nepal by leading scholars, journalists, and intellectuals based in South Asia, North America, Europe, and Japan. The chapters are based on primary empirical research as well as on secondary analysis.

CONTENTIOUS POLITICS IN DEMOCRATIZING NEPAL: LITERATURE REVIEW

Scholarships on formal Nepali politics abound. They deal with the formal development of the state, state and political leadership, mainstream political parties, and so on (Stiller 1973; Shah 1993; Hachhethu 2002; Dhruva Kumar 1995; Baral 2004). There are many works that deal with political conflict and transition as well (Gupta 1993; Joshi and Rose 1966; Dhruva Kumar 2000; Chauhan 1989). These, however, are also mostly limited to discussing conflict in the formal political realm- conflicts and competition among mainstream political actors and parties, often for the attainment of state power.

Among the earlier work, only occasional studies have covered the phenomenon that we have defined as contentious politics (Joshi and Rose 1966). Baral's (1977) work is one of the few that studied in detail the oppositional politics during the Panchayat regime. Recently more work on non formal political activities, labeled as contentious politics in this volume, has appeared. Work on identity politics began to appear from the mid nineties. They have pointed out the discrimination faced by the various ethnic and caste groups and discuss the development of the movements in post 1990 period (Bhattachan 2000a; Neupane 2000; Bhattachan 1995; Gellner, Pfaff-Czarnecka, and Whelpton 1997; Lecomte-Tilouine and Dollfus 2003; Guneratne 2002). A few of them also look at the relationship between democracy and identity movements (Lawoti 2005a; Serchan 2001). These studies by their scope were limited from looking at the

relationships among different types of contentious politics, and their relationship to democratization.

After the turn of the century, hordes of books and articles on the Maoist insurgency have appeared. They have discussed a wide range of variables- inequality, political exclusion, ethnic dimension, state repression, weak state, the lack of development, environmental degradation etc. - as the causes and/or factors contributing to the growth of the insurgency. Some of the work has discussed the consequences of the insurgency as well. The negative impact on the economy and development, increase in the militarization of the society, and restriction on human rights have been pointed out. A few of them have discussed connections between ethnic grievances and the Maoist mobilization of the ethnic groups (Onesto 2005; Mishra 2004; Hutt 2004; Thapa and Sijapati 2003; Lawoti 2003c, 2003d; Dhruva Kumar 2005; de Sales 2003; Upreti 2004; Karki and Seddon 2003; Bhurtel and Ali Not dated). Some of these literatures have linked the initiation of insurgency with the failure of the parliamentary regime to deliver but do not provide systematic discussion of its consequences on democratization.

Work on social movements in Nepal, beside identity movements and the Maoist insurgency, are rare (Aziz 1993; Neupane 2001; Upreti 1992). Surprisingly there is not much work on the street protests and strikes that were a regular feature of the post 1990 democratic period in many urban and semi-urban centers. In such a context, it is not surprising that the available literature on these movements do not explicitly examine the relationship between them and democratization or among different types of contentious activities, or between such activities and democratization. Gellner's (2003) edited volume, Resistance and the State, is an exception that analyzes ethnic activism and the Maoist insurgency from the common framework of resistance; however, its focus is on the state rather than democratization.

A number of work has focused on democratization after 1990, including the analysis of various obstacles the nascent democracy faced (Parajulee 2000; Baral 1993; Brown 1996; Lawoti 2002b; Dhruba Kumar 1995). These studies too have been mostly confined themselves to studying democratization in terms of the formal political realm. They do not analyze the link between the various types of contentious politics and democratization. This volume aims to fill these gaps. It aims not only to look at the various types of contentious activities with a common framework but also aims to analyze the relationship among various contentious activities and democratization in post 1990 Nepal.

Before delving further into the themes to be covered in this volume, it is necessary to lay down the contemporary socio-cultural context and historical background of state building and conflict in Nepal. The next section aims to do that.

SOCIO-ECONOMIC STRUCTURES AND THE EXCLUSIONARY STATE BUILDING

Scholars have lamented that even though Nepal was brought together territorially by the Gorkha conquest, it has not been unified psychologically and economically even after more than two centuries (Gurung 2003b). This is partly because the Nepali state was captured and exploited by a small elite castes group since its formation. The ruling group defined the rights and duties of citizens toward the state by conflating it with its own interests and adopting political institutions that concentrated power within the group. This disjuncture between the state and society is the underlying cause for the eruption of many of the contentious activities in present day Nepal. I will discuss briefly the major disjuncture below.

Exclusion of National/Ethnic and Caste groups

More than two thirds of the population, including the indigenous nationalities (adibasi janajati), dalit (traditional ‘untouchables), and madhesi (plain people), are excluded from influential realms of governance in Nepal.³ The caste hill Hindu elite (CHHE) are 31 percent of the population but overwhelmingly dominate the state, politics, economy and the society. For instance, in 1999 the CHHE occupied around 70 percent of positions in the legislature, judiciary, Parliament and top administration (Neupane 2000; Lawoti 2002a).⁴ According to the Human Development Report 1998, the elite caste group occupied 98 percent of the top positions in the civil administration in 1854 and still occupied 92 percent of the top administration positions in the mid nineties (NESAC 1998: 145-146). Among other factors, historical exclusion and discrimination have contributed to the contemporary exclusion.

The historical discrimination and exclusion were rooted in the caste based Hindu hierarchical order. The civil code introduced in 1854 codified the top positions of hill Bahun and Chhetri in the society. The elite have further strengthened their position in the state and society since then. Till the abolishment of the caste system in 1963, the legal system treated different ethnic and caste groups unequally, perpetuating inequality. Many opportunities such as education and jobs were not available to marginalized groups, and for the same crime the ‘low caste’ groups were punished more severely (Levine 1987; Bista 1991; Hofer 1979). The end of the caste system juridically during the Panchayat by King Mahendra was a step forward but the Panchayat system undermined different native languages, religions, and cultures through its assimilation policies. It promoted one religion, language and values in a multicultural society. The Panchayat promoted the ‘upper caste hill Hindu’ culture and values in the façade of modernization and development.

The hill Hindu religious state ideology promoted by the pre 1990 Shah and Rana rulers was continued, though to a lesser extent, even in the democratic period. Even though 1990 ushered in extensive democratic rights, the marginalized ethnic and caste groups continued to face cultural discrimination and political exclusion. The 1990 Constitution defined the Kingdom as ‘multiethnic, multilingual’ but the other articles and state institutions it adopted discriminated against marginalized ethnic and caste groups (Lawoti 2005a; Gurung et al. 2000; Bhattachan 2000a; Neupane 2000). Not only was the state declared Hindu by the Constitution but the native languages and different cultures of indigenous nationalities and madhesi incurred unequal treatment by the state. Ethnic parties were banned and minority rights were not recognized or protected. The dalit, indigenous nationalities, madhesi and women faced many other forms of legal and social discrimination (Bhattachan 1999a; Biswakorma 2000; FWLD 2000; Serchan 2001). The demands for ending historical and contemporary discrimination have fuelled the identity and women’s movements, which seek equitable inclusion in the state, politics, economy, and society.

The Rising Inequality, the Extractive State and the Neglected Peasants

Nepal is not only poor but it has become a more unequal society in terms of material well being. In the nineties Nepal was the most unequal country in South Asia. It had the highest Gini Index of 0.426. Inequality, as measured by Gini Index (inside parentheses) was less in the eighties in Nepal (0.300) than India (0.312), Sri Lanka (0.341) and Pakistan (0.326) (Wagle 2006). The rise in inequality is despite the improvement in overall Human Development Indicators (HDI) in the nineties. I will demonstrate below that the growth in a few select areas and stagnation in others led to this ironic situation- rise in inequality despite a moderate rise in HDI. Inequality in Nepal

exists among different sectors, ethnic and caste groups, and geographic regions (mountain and hills and Tarai and East to West) and between men and women and rural and urban areas.

The stagnation of the rural regions during the seventies was portrayed vividly, among others, by the book Nepal in Crisis that showed the neglect of the rural regions, the increasing pressure on limited land in the hills, and the erosion of traditional jobs and sources of income (Blaikie, Cameron, and Seddon 1980). Different economic and demographic indicators, presented by Deraniyagala (2005) and Sharma (2006), which I discuss below, demonstrate the continuous neglect of the rural regions. This neglect contributed to the rising inequalities in the 1990s in various spheres. Poverty levels were 33% in 1976-77 but rose to 42% by 1995-1996. The “income share of the top 10% of the people increased from 21% in the mid-1980s to 35% by the mid-1990s, while the share of the bottom 40% shrank from 24% to 15% by the mid 1990s (Sharma, 2006: 1245).

Some regions face more inequality in Nepal. Poverty level was significantly higher in rural areas (44%) than in urban areas (20%). It is also more widespread in the mountains, where the incidence of poverty is 56%, compared with around 40% in the hills and plains. The incidence of poverty in the rural central (67%) and mid and far western (72%) hills/mountains also far outstrips eastern (28%) and western (40%) regions (Deraniyagala 2005, 52). On the other hand, inequality within the rural regions may have increased due to rise in migration. Migrants generally come from higher income groups and could be physically more able than non-migrants. Increased remittances to migrants’ families may have worsened intra-rural inequality (Deraniyagala 2005).

Poverty and economic stagnation had a more detrimental impact on the rural residents (87% in 2001) because they are dependent upon agriculture, which has stagnated. Annual

growth rates of agricultural output (major crops) declined from 1961-1962 to 1991-93. The growth rate was negative (-0.07) for all crops in Nepal during the period while other South Asian countries witnessed an increase in growth rates. The stagnation in agriculture was due to the government policy of import substitution industrialization, following which it invested in industrialization in urban areas at the cost of peasants and rural areas. This neglect occurred despite the importance of agriculture as a major source of employment and national income. Sharma (2006) writes that agriculture, in which more than 80 percent of the people are engaged, “has not received more than 26% of development expenditure in any development plan since the mid-1950s...Nepal, which had the highest agriculture yield (per hectare) in South Asia in the early 1960s fell significantly behind other countries by early 1990s” (1241-42).

Landownership patterns also contributed in the inequality. Despite the relatively small average landownership, inequality in land ownership reflects the persistence of the feudal system. “44% of households in the country are marginal landowners [0-0.5 hectare], but this group only accounts for 14% of total privately owned agricultural land. In contrast, the 5% of agricultural households who own plots greater than 3 h[ectare] account for around 27% of total agricultural land” (Deraniyagala 2005, 54). Landownership, on the other hand, may hide poverty in the hills and mountains: “over 40% of medium and large landowners in the hills were classified as “poor” in 1996” (Deraniyagala 2005, 55). MacFarlane’s (2001) ethnographic study also supports the pictures painted by the broad aggregate data. In a hill village in Central Nepal, where he has frequently returned, a laborer could buy a chicken with a day’s wage in the late sixties whereas in the mid nineties only eight days of wages could purchase a chicken.

The opening up of the market since the mid-1980s has led to an improvement in some economic indicators such as GDP, growth in output, and exports and international reserve.

These were mainly brought about by an expansion of the urban based modern sector and did not close the inequality gap. For instance, the nominal income of the people living in urban areas increased by 16% per annum (from US\$126 to US\$285) during the 1988-96 period as against only 4% for the rural population (from US\$95 to US\$125). Sharma (2006, 1242-43) argues that “[w]hen the average annual rate of inflation is taken into consideration, the growth in rural income is in fact negative. This not only increased poverty in the rural areas but also increased rural-urban inequality.” Large parts of the rural areas stagnated while the urban centers, especially the Kathmandu valley, developed into centers of wealth. The urban growth and stagnation in the rural areas may have further increased the perception of inequality among rural residents (Deraniyagala 2005).

The problems of poverty and inequality in Nepal were not helped by the inadequate public investment in social sectors. The post 1990s saw considerable improvements in public service provision but the expenditure by the state on basic social sectors such as education and health was still low. “[A]nnual public expenditure per primary school child was around US\$20 in Nepal in the late 1990s, compared with US\$40 in India. Public sector expenditure on health in Nepal is among the lowest in the world, at US\$2 per person per annum in 1999 compared with US\$12 for an average developing country (UNDP, 2001, cited in Deraniyagala 2005, 56).

The neglect of the rural regions and the poor by a centralized state is nothing new, however, for a student of Nepali history. The Nepali state building process involved the heavy extraction of the peasantry by the state and ruling groups (Regmi 1965, 1978). The state gave land as jagir (compensation) and birta (land grants) to various central government and military functionaries as rewards and compensation for their services. The peasantry had to turn in a large proportion of their products to these often distant land holders. The elite extracted as much

as they could from the peasantry, often to build 'stucco palaces.' During wars the peasantry had to cough up extra taxes and provide free labor services for carrying weapons and war supplies. The peasantry was also taxed during the birth, marriage, coronation etc. of the ruling Shah and Rana family members. Often middlemen, who were employed to collect land revenues, also extracted profits from the peasants. In the process, the peasantry was pushed into deeper penury.

According to Stiller (1973), the exploitation of the peasantry had its basis in the land-military complex developed during the Gorkha conquest. Prithivi Narayan Shah promised lands to his military composed of land hungry middle hill people. The promise swelled the conquering army. As long as new territories were conquered land became available for distribution. However, after the 1814-1816 war with the East India Company and Sugauli treaty of 1816, the borders became more or less fixed. There was no more land to be conquered. As land was the primary source of revenue for the state, the exploitation of the peasantry increased - the regime had to maintain its security apparatus, government, and the lavish lifestyle of the courtiers with the incomes from the available but limited land.

Despite forming the backbone of the economy, the peasants had no representation in the state, nor did the state invest in their well being. The voices of the peasants were seldom heard or cared for. Occasional rebellions brought the issues to the fore front but they were often brutally repressed. The state neglect of the peasants continued even after 1990. The 1990 changes, despite formally ushering in the fundamental rights of expression and organization, ended up mostly expanding the ruling group (Brown 1996). The state is still controlled by an elite caste group that has largely failed to represent the peasantry, the poor and marginalized ethnic and caste groups. What this has meant is that the needs and aspirations of the rural poor have rarely been represented in the corridors of power and decision making processes. This

resulted into the deep economic inequality described earlier, as the elite monopolized economic resources through political domination.

The continued marginalization of the peasantry is ironic because one of the major political parties is a communist party (the Communist Party of Nepal-United Marxist Leninist: CPN-UML) that claims to speak for the poor.⁵ However, which segments of the poor the CPN-UML and other parliamentary communist parties really represent is another question. Definitely, in terms of other large mainstream parties, they represent the less well-off, but their core constituency is not the poorest of the poor. The trade unions, college students, and primary and high school teachers that form its core constituency are the relatively well-off members in an impoverished country like Nepal. Only the village elite can send their children to college. The claim to represent the downtrodden itself is not sufficient of being their representative. The attraction of the rural people to the Maoist insurgency, which promised radical transformation, also illustrates that the parliamentary communist parties had failed to represent the interests of the poor.⁶

The inequalities in different sectors and regions and neglect of the periphery contributed to the dissatisfaction among the rural people, especially the youth. They created a fertile ground for the rise of various forms of contentious activities, especially the Maoist insurgency. The lack of representation of the peasantry's interests in the state and their continued marginalization increased the possibility of a peasant rebellion or a radical movement capturing their support.

The Centralized Polity and Political Conflicts

The small ruling elite dominated society by concentrating most of the state power at the center. Even the democratic polity envisioned by the 1990 Constitution was highly centralized. The

state was unitary. The political, administrative, and fiscal decentralization was minimal. This centralization created a peculiar situation of powerlessness. Since the local governments were not given power, they were weak. They did not provide meaningful services and had no significant role in development planning and providing law and order and security for the people. They had insignificant role in people's lives. This meant that the Nepali state had very tenuous presence in rural areas. In this way, the centralization created powerlessness.

On the other hand, the political power at the center was mostly concentrated in the executive. The Parliament was weak. It had no power to introduce bills with any budgetary provisions. The Parliamentary committees were weak as well, further reducing the role of Parliament in terms of its relationship with the executive. Most central agencies (such as the election commission) were dependent upon the executive for nomination, budget and personnel. As a result of this extreme level of centralization almost all state power was enjoyed by the top leaders of the ruling party. The democratic state that was established by the 1990 Constitution was exclusionary at the political and ideological level as well. There was little political space in the polity even for the major opposition parties. They could not influence public policies. As a consequence of the limited role of the opposition parties in the formal political process, they often had no option other than informal methods (strikes, protests etc.) to make them heard. In extreme cases, such as that of the Maoists, who had the third largest contingent in the 1991 Parliament, went underground and launched a violent insurgency after being repeatedly being ignored by the government.⁷

An extremely centralized polity meant that there were very few points for people to access the government. It meant that the collectivities with grievances had to target the executive at the center as it was the only institution that had the authority to deal with their

problems. Meanwhile, practically the executive could respond only to a limited number issues or groups at a time, even when it wanted to, due to time and resource constraints. This resulted in the inattention and neglect of many issues and problems. As a result, frustrations piled up among those whose problems had not been addressed, often increasing alienation.

The exclusion, inequality and centralization contributed to contentious politics in a number of ways. First, when the government was not responsive toward the people, the people became alienated and launched protests and social movements. When the alienation was high, they even launched violent activities and movements. Second, people not happy with the state would not support the government with enthusiasm. It meant that if the government came under attack, they might not defend, or even support, the government. Third, an alienated population could mean that they could support the rebel forces because they might not see much difference between them in terms of losing services etc. This is what happened with regard to the Maoists- many people joined or supported the insurgency because the government had not done much to them.

HISTORY OF REBELLIONS AND CONTENTIOUS POLITICS IN NEPAL

Nepal has been described as a peaceful country in popular discourse and academia as well for a long time. This has happened despite the occurrences of many conflicts and rebellions in its history. In this context, a brief discussion of the history of contentious activities and violent rebellions is essential in order to demystify the myth and obtain a balanced perspective. The successful suppression of the history of these activities which did not comply with the mono-ethnic nationalism project of the state (Onta 1996b) also makes their discussion more relevant.

As table 1.1 shows the Nepali state faced collective contentions and rebellions from the time of its formation. The table records rebellions and contentious activities from 1770 onward (Gurung and Bhattachan 2004; Neupane 2001; Regmi 1995; Uprety 1992). The criteria for including events in Table 1.1 and 1.2 are large participation of people in collective public political struggles or rebellions that resulted into suppression and executions. More than two dozen such activities occurred before 1990. At the beginning some of these rebellions were led by the recently defeated or accommodated groups. For instance, after the repeated defeats of the advancing Gorkha troops, the Limbus' of East Nepal were brought into the Gorkha Kingdom under a treaty that provided them with political, economic, and judicial autonomy. However, as the Gorkhali state consolidated it began to undermine the Limbus's autonomy. The Limbus, in various instances, resisted the erosion of their autonomy. It is beyond the scope of this chapter to discuss other contentions and rebellions; tables 1.1 and 1.2 are just an attempt to list some of the activities, though incomplete.

In addition to the identity, peasant (most were mobilized by communists), and student movements, revolts, and protests, Nepal also witnessed collective struggles of trade unions, teachers, government employees, and socio-religious groups (Neupane 2001; Uprety 1992). The makaiko kheti (maize farming) repression (1920) and Yogmaya's political-religious reform movement (1936-40) are examples of non-political party oriented rebellions.⁸

Table 1.1: National/ethnic and caste mobilization and rebellions in Nepal before 1990⁹

Years	Event	Locality/region and remark
1770	Ten Limbuwan Rebellion and Expulsion	Pallo Kirant (Far East)
1773-81	Majh Kirant Rebellion	Dudhkosi-Arun region*
1778	Limbu language repression	Pallo Kirant
1792-93	Nepal-China War: Limbus and Bhotas assist China	Arun-Tista (Limbus) & Nuwakot (Bhotes)*
1793	Tamang (Murmi) rebellion	Nuwakot
1790s	Jumla Rebellion led by Sobhan Shahi	Jumla*
1808	Khambu Rebellion (2 executed, property confiscated of 15)	Bhojpur
1858	Sukhdev Gurung Rebellion (killed after 17 years in jail)	Lamjung
1867	Dashain Boycott (Ramlihang & Ridima killed)	Dhankuta
1870	Limbu language repression (Sirithebe exiled)	Pallo Kirant
1876	Lakhan Thapa Magar rebellion (7 hanged)	Gorkha
1877	Supati Gurung rebellion	Gorkha (execution at Tundikhel)
1908	Atal Rai, Bharatsing Rai, Kanthabir Rai executed	Manjh Kirant Δ
1925	Chiring Norbu Lama & 4 Buddhist monks expelled	Patan
1926	Nepal Bhasa Sahitya Mandal (Newar language movement)	Calcutta
1927	Buddhists monk expelled	Kathmandu
1941	4 rebels given capital punishment (3 Newars)	Kathmandu
1947	Anti untochability movment- failed	Bhagat Sarbajit Biswakorma Δ
1950-51	Kiranti movement	Majh and Pallo Kirant (East)
1954	Dalit temple entry movement (Pashupati & Shaileshowri)	Kathmandu & Doti Δ
1956	Movement against making Nepali the only language of instruction	Tarai ∞
1961	Tamang rebellion	Nuwakot
1964	Kirant movement against elimination of Kipat (indigenous land ownership)	Eastern hills**
1965	Dalit temple entry at Sidhakali - failed	Bhojpur Δ
1979	NepalBhasa Manka Khalah (The Association of Newar Speakers) established	Kathmandu ♥, large public rallies etc. organized

Source: Gurung (2004) p 136, table 35, * are from Regmi (1995: 17, fn. 30), Δ are from Neupane (2001), ∞ from Gaige (1975), ♥ from Shrestha (1999), ** Caplan (2000)

Table 1.2: Peasant and Student Mobilization before 1990

Peasant mobilization		Student mobilization	
1950, November 18	Firing at rally (several killed), Gaur, Rautahat	1947	Jayatu Sanskrit movement
1951, May 3	Anti land lord movement, several killed in firing, Bardia	1951	Chiniya Kaji death episode
1952	Rautahat, Bara, Parsa, Sarlahi, Mahottari (began from Rautahat), repressed	1966	National College related movement
1953	Peasant-landlord conflict, Pyuthan	1976	4 months long movement – failed
1953, August 4	Peasant leader Bhim Dutt Pant killed, Indian security personnel involved, West Nepal	1979 April	Bhutto death protest that turned into a movement and forced the 1980 referendum
1979	Chintang killings, Dhankuta		
1980	Wage increase movement, Dhanusha		
1981	Jute price increase movement in Jhapa, Morang, Sunsari		
1984	Piskar killings, Sindhupalchowk ¹⁰		
1986	Chitwan (30,000 signature collected)		

Source: Neupane 2001

This brief discussion clearly demonstrates that Nepal had a long history of collective struggles prior to 1990, even though the regimes were extremely repressive. Many dissenters and rebels were imprisoned, expelled or executed. The repressive methods became less severe after 1951 but nevertheless continued. A major difference between the earlier and contemporary collective struggles is that the activities analyzed in this volume occurred in an open polity and less repressive environment.

TAXONOMY OF CONTENTIOUS POLITICS IN NEPAL

The collective mobilizations that have occurred after 1990 in Nepal varied in nature and hence their effects differed as well. The contemporary contentious activities emerged from the

backdrop of historical and contemporary exclusion, neglect, and changing social and political conditions. The open polity after 1990 facilitated the process by providing space for mobilization. People began articulating their problems, needs, and aspirations in the open environment. They began to organize and make demands upon the state. If the polity had been responsive and met some of the progressive demands, it could have contributed in the deepening and consolidation of democracy. However, when the polity did not respond, some of the activists began employing more coercive methods while a few turned violent. This volume analyzes the major contentious activities that have occurred after 1990: the Maoist insurgency, national and ethnic movements, and collective public protests like bandhs.

The Maoist Insurgency

The insurgency, launched in February 1996, has had varying degrees of influence in almost all the 75 districts of the country.¹¹ More than 13,000 people have been killed, thousands have been injured and displaced, and millions have been affected psychologically, economically and politically. The death toll increased sharply after the failure of the second peace talks at the end of 2001 (see figure 1) when the Maoists attacked an army barrack, after which the army mobilized against the insurgency. Media, civil society, and human rights monitors have accused both the Maoists and the security forces of gross human rights violations.

The Maoists initially attracted popular support by punishing or killing well-off locals who they labeled as exploiters. However, many social activists and political opponents have also become victims of their wrath. They increased their domination in many parts of the country by terrorizing people who did not support them into submission with threats of dire consequences.

This strategy worked because of the state’s failure to provide security to the people: the state withdrew from rural regions when the Maoist activities increased.

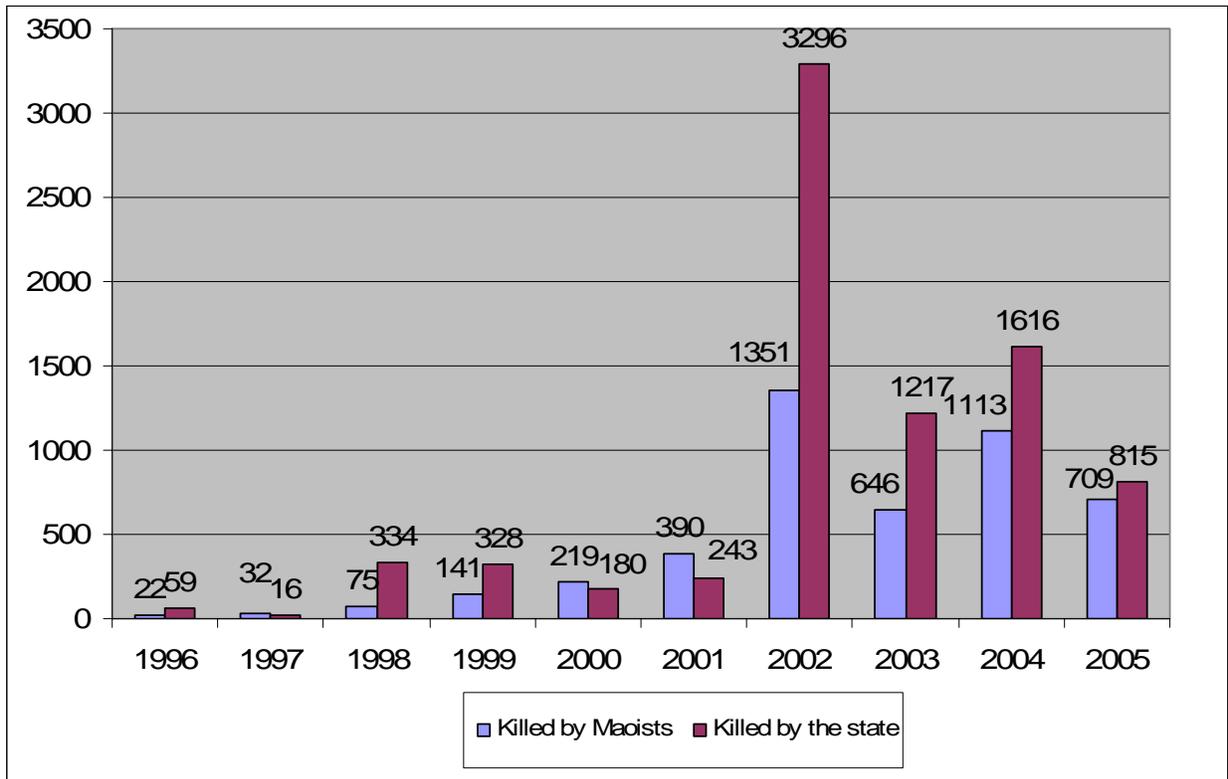


Figure 1.1: People killed during the Maoist Insurgency, source INSEC (2006)

By openly championing the use of violence for social transformation, the Maoists have affected more people than other contentious activities discussed in this book, both negatively and positively. Their impact has been such that the Nepali state’s legal monopoly over coercive force in its territory has been severely undermined. The state has often been limited to urban areas and district headquarters and its presence in many rural areas was often limited to the occasional foray of the security forces.

The major demands of the Maoists are a republic, an all party government, and an election to the constituent assembly to design a new Constitution. The Maoists launched the

insurgency when the Parliamentary democracy was in place. Their overall objective is to form a Maoist communist state, or what they call a 'people's democracy.' The other prominent issues raised by the Maoists include class inequality, issues of the marginalized ethnic and caste groups, women's rights, and 'nationalism,' which are their concerns about the sovereignty of the Nepali state.

The dialogue between the government and the Maoists failed in 2001 and again in 2003. The public nature of the first negotiation has been cited as a major reason for its failure. The uncertainty created by the change of government during the negotiations could have derailed the second negotiation.¹² During the second round of talks the Maoists initially seemed more serious about the negotiations, judging by the high level negotiation team and its concerted efforts to interact with different societal stakeholders such as civil society and the business community. However, some commentators suspected the Maoist's genuine intentions during both the ceasefires, arguing that the Maoists could have been using the ceasefires to train and consolidate the rapidly swollen rank of cadres, militia, and the people's army.

At the time of writing the Maoists and the government are negotiating for the third time. This round of negotiation is based on more serious preparations than earlier ones. The Seven-Party-Alliance (SPA), which heads the government after the King was forced to give up power by the Second Peoples' Movement (SPM) of the SPA and the Maoists in April 2006, reached a 12 point understanding with the Maoists in November 2005. One significant achievement of the understanding was the Maoist's declaration to join the mainstream multi-party system. Even though this change of attitude seems genuine, based on their previous policies of changing positions depending upon strategic considerations and continued killings of civilians and extortions, caution is warranted in taking the Maoist statements at face value. Further, the

Maoists themselves have said that they have opted for a settlement due to their analysis that neither the government or rebel forces is in a position to win the civil war. If the perception of the stalemate changes, they could change their strategy as well. Still, there is a greater chance for the negotiations to succeed this time. There is much more trust between the rebels and political leadership leading the government. Prachanda, the top Maoist leader, has appeared in public for the first time since the insurgency began, perhaps indicating his seriousness to join the open politics, as declared, if the negotiations succeed.

The Identity Politics

National/ethnic conflict has occurred throughout Nepal's history (see table 1.1). However, it is safe to say that the identity movements of the indigenous nationalities, dalit, madhesi and minority religious groups gained momentum and became much more visible after 1990, utilizing the space provided by the open polity. National/ethnic and caste and regional groups are fighting for the equal recognition of their language, religion, and culture as well as equal opportunities in the polity, economy and society. The associations of different ethnic and caste groups have highlighted primarily cultural and political issues while their community members are concerned about economic opportunities as well. The identity movements till now have not demanded secession, interpreting self-determination rights as a demand for autonomy. Till now, except for the Khambuwan National Front (KNF) and Janatantric Tarai Mukti Morcha (JTMM), national/ethnic movements have not launched violent rebellions.¹³ However, many riots and violent conflicts among different groups have taken place, as table 1.3 shows.

There have been several Hindu-Muslim conflicts, riots targeted against the Muslim community, and riots against and involving the madhesi. Nepalgunj witnessed 5 violent

conflicts between Hindus and Muslims from 1992 to 1997 but it seems to have petered out since 1997. The KNF, which subsequently joined the Maoists, launched an ethnic insurgency demanding autonomy for the group. The Mongol National Organization (MNO) has threatened violent rebellion and has declared that it has formed an army (Hangen, this volume).

Table 1.3: Non-Maoist Violent Conflict (riots and insurgencies) in Nepal since 1990

<u>Year</u>	<u>Events/actors</u>	<u>Location</u>
1992 October	Hindu-Muslim riots during Deepawali	Nepalgunj
1994, November 3-4	Hindu-Muslim riots during Parliamentary election	Nepalgunj
1994 December 3-9	Hindu-Muslim riots during well renovation at a Temple	Nepalgunj
1995, October 25-28	Hindu-Muslim riots during Deepawali	Nepalgunj
1997 May	Hindu-Muslim riots during local elections	Nepalgunj
2000, December 26-27	Parbate-Madhesi (Hritik) riots	Kathmandu and Tarai
Since 1999, increased in 2001-02	Khambuwan Insurgency ¹⁴	Khotang, Bhojpur, Solukhumbu, Okhaldhunga
2004, September 1	Riots against Muslim (Iraq Killing reactions)	Kathmandu
2005 January, 2006 April, July	Madhesi insurgency ¹⁵	Rautahat, Saptari, Siraha, Sunsari

Source: (Gaunle 1997; Sharma 2004; Khadga 2006) and various newspapers

Table 1.4: Some Contentious Activities of Dalit after 1990

<u>Year</u>	<u>Event</u>	<u>Location</u>
1991	Mobilization to sell milk to dairies	Udiyachaur, Syangja
1991	Temple entry movement	Nawalparasi
1994	Mobilization to sell milk to dairies	Chitwan
1994	Gorakhkali Temple entry movement	Gorkha
1994	Right to water from public source	Sipapokhari, Sindhupalchowk
2000, March	Anti-carcass disposal campaign	Lahan, Siraha ¹⁶
2000, June 12	Mobilization to sell milk to dairies	Gaindakot, Nawalparasi

Source: Neupane (2001), JUP (2001), Uprety, Rai and Sedhain (2005)

The dalit, on the other hand, have faced numerous violent backlashes in their struggle toward equality and the end of untouchability. The table 1.4 shows that the dalits' collective struggles have largely been directed toward ending exclusion from public spaces like temples and accessing opportunities that should be available to any citizens, such as selling milk to publicly owned dairies. The dalit's problems have arisen largely because the state has failed to enforce laws ending untouchability in public places.

In recent years many activists of mainstream ethnic and dalit movements have begun to urge taking up arms against the state if their demands go unmet. The change in discourse from nonviolence to violence is significant because Apter (1997) and colleagues argue that the discourse of violence legitimizes violence when it occurs. The emerging discourse on violence attaches special significance because of the situation in which the country finds itself: violence has entered into the society because of the Maoist insurgency, the deteriorating law and order conditions, and the emergence of self defense committees/vigilante groups. In such a context, the move to a violent movement from a peaceful one may not be as difficult.

The Collective Public Protests: Voluntary and Coercive

The third category of socio-political collective activities is more apparent with actions and events, rather than any specific group of actors. The bandhs (shutdowns), strikes, chakkajams (traffic blockades), masal julus (torch lit processions), dharnas (sit-ins) etc. have been used by various groups ranging from the parliamentary political parties, the Maoists, identity movements, political interest groups, economic associations, students groups affiliated with political parties, teachers associations, bus owners associations, social justice movements and even spontaneous collectivities (such as when the locals bring the traffic to a halt along the highways, often after

fatal vehicle accidents). These repertoires are mostly employed in urban and semi-urban areas. The political parties, including the Maoists, have used street protests more often, enforcing their calls with threat as well as real violence.

The public protests are a medium for disgruntled and political-economic interest groups to protest against government policies and make their demands. These activities could contribute toward democratization if the activities are progressive and such demands are met. On the other hand, neglect of progressive demands could lead to an increase in alienation and the emergence of violence or even protracted violent conflict, as demonstrated by the Maoist insurgency.

Some of these street protests have gained positive results, such as the emancipation of Kamaiyas (the bonded laborers), but others, especially the activities that have been imposed with coercive methods, have often shutdown businesses and schools, disrupted normal life, and destroyed public and private properties. This has alienated the larger public. These activities have occurred very frequently but scholarly work on the topic is rare.

CHAPTER PLAN

The book is divided into five parts: context and framework, the Maoist Insurgency, the Identity Politics, the collective public protests, and contentious politics and democratization. The book does not contain chapters on the dalit, madhesi, and women's movement, despite a concerted attempt to include them. I have provided some information on them in this introduction. The volume also does not contain issues that have been covered extensively elsewhere (such as the economic dimension of the Maoist insurgency).

Part I consists of two chapters. In chapter one, I lay down the framework for the book and provide background information on the activities this book investigates. In chapter two, I

discuss the exclusionary constitutional engineering process in 1990. I show how the under representation of marginalized groups and women in the engineering process led to the neglect and exclusion of their issues in the Constitution. The exclusion has subsequently fuelled the gender and identity movements.

Part II brings together chapters on the Maoist insurgency. The articles in this volume bring out new and important dimensions that have not yet been analyzed. In chapter three, Khanal points out that the commitment of the insurgents and the division among the mainstream political actors contributed in the initiation and growth of the insurgency. In chapter four, Crawford, Kaufmann, and Gurung show the different ways the conflict has increased the vulnerability of women and children, the group that is perhaps the most vulnerable in society and usually the last to come into consideration while analyzing violent conflicts. This article provides much needed empirical research on the consequences of the insurgency. In chapter five, a Maoist journalist, who conducted extensive field coverage during the early phase of the insurgency, presents the international Maoist perspective. Onesto credits the growth of the Maoists to a large extent on following the broad strategy developed by Mao half a century ago. She also discusses the achievements of the Maoists in their base area and concludes the article by discussing the different challenges the insurgency faces. In chapter six Somlai shows the role of multiple stakeholders in the insurgency, beyond the usual discussion of the Maoists, the palace, and the mainstream political parties. The stakeholder analysis of the insurgency is important, but surprisingly not analyzed yet, to flesh out how different actors may be influencing the insurgency, both negatively and positively (during insurgency as well as during talks and settlements). He argues that any attempt at settling the insurgency has to take into consideration these numerous stakeholders and their varied interests.

Part III brings together articles on identity politics. In chapter seven, Hangen demonstrates how a small ethnic party contributed to the democratization process in Nepal. She argues that by facilitating the participation of people who would otherwise not have gotten the opportunity in the larger parties and the mainstream social movements and by bringing out their issues, which the larger parties did not address, the Mongol National Organization (MNO), contributed toward democratization in the rural margins. Chapters eight and nine bring together two articles on Newars, one on nationalism and the other on the religious aspect of it. Shrestha traces the development of Newar nationalism in chapter eight. He discusses different challenges the Newar nationalists face in mobilizing a group that is divided along caste and class. In chapter nine Maharjan discusses the spread of Theravadin Buddhism among rural Newars in Kathmandu. He argues that dissatisfaction with the socio-political system as well as insecurity in a modernizing and changing world has contributed to the growth of Theravadin Buddhism.

Part IV contains two articles that deal with collective public protests. In chapter ten Lakier argues that some contentious activities could empower people while others could protect the interests of the privileged group. She argues that many contentious politics of the 1990s undermined the rights of individuals as the organizers forcefully implemented their call for strikes and protests. She calls this illiberal democracy as it constrains the civil liberty of citizens. Snellinger, in chapter eleven, argues that although the student activism contributed to the restoration of democracy during the autocratic period, during the democratic period they were often perceived as foot soldiers of the political parties by commoners. The students, however, projected their activities as social movements.

Part V will conclude by discussing the different effects of contentious politics on democratization. In chapter twelve, Rademacher discusses the attitudes of those unhappy with

the environmental degradation in Kathmandu valley and how they attribute it to the failure of democracy. She shows that the failure of democratic governance in maintaining law and order led to the support, at least initially, of the post-democratic government. Perhaps here in lies one of the challenges for democracy in Nepal. Democracy has to work so that people are not alienated and do not support non-democratic regime and leaders. In the final chapter, based on materials presented in this book and other sources, I argue that some types of contentious politics contributed to democratization by expanding the rights of people whereas others undermined liberal democracy by constraining the political rights and civil liberty of citizens.

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ENDNOTES

¹ I would like to thank Susan Hangen, Mukta Singh Lama, Sanjay Serchan, Bal Gopal Shrestha, an anonymous reviewer for helpful comments on an earlier draft.

² The term episodic, again following McAdam et al. (2001: 5), ‘excludes regularly scheduled events such as votes, parliamentary elections, and associational meetings- although any such events can become a springboard for contentious politics.’ If these structures are used by mobilizing marginalized groups, who are not part of the state, as part of their collective struggles, they will be considered as contentious politics in this book.

³ CHHE made up 30.89 percent, indigenous nationalities 36.41 percent, the dalit 14.99 percent, and madhesi 30.49 percent if madhesi indigenous nationalities and dalit are included in the madhesi count (note some overlap among dalit, indigenous nationalities, and madhesi) in 2001 (Bhattachan 2003c).

⁴ The Newar (5.48% population) also occupy disproportionate share of influential positions but it is discriminated in cultural matters and is involved in the social justice movements of the indigenous nationalities. The presence of the Newar in politics and administration is on the decline after 1990.

⁵ CPN-UML was the major opposition party during two Parliaments and the largest minority party in another. Many other smaller communist parties also exist.

⁶ The CPN-UML did not rule at the center for long- hence even if it had wanted to, it was not a position to make much difference. However, the increasing influence of the World Bank and other international regimes in pushing liberal marketization policies and its acceptance by the CPN-UML meant that its hands would have been tied in initiating substantive socialist policies even if it had an opportunity to rule longer.

⁷ This is not to argue that it was the major reason for initiating the insurgency. My position is that it increased alienation and helped them push toward it.

⁸ The palace also witnessed many intra-faction squabbles among regents, queens, princes, and courtiers that resulted in numerous expulsions, factional warfare and massacres (Acharya 1998; Willesee and Whittaker 2004).

⁹ Non-public protests and individual resistances are not included in the lists.

¹⁰ Peasants were mobilized in 1969, 1972, 1979, 1981 as well.

¹¹ Only Mustang and Manang, two mountainous and isolated districts resided by indigenous nationalities did not have any insurgency related deaths till the writing of the chapter in mid 2006.

¹² The media often project the killings of Maoist supporters by the government security forces in Doramba as a catalyst for the break off but Prakash Chandra Lohani, a government negotiator in the second round, says that the Maoists had already decided to break off the negotiations and showed reluctance to sit for dialogue when the government side reached Harpure, the venue for talks, before the Doramba incident (personal communication).

¹³ The KNF joined the Maoists (it split and joined again- this occurred a couple of times) and the JTMM split from the Maoists.

¹⁴ The KNF began violent activities in Sawan 2054 v.s. by blasting a bomb in a Sanskrit school in Dingla, Bhojpur. Since then they have killed opponents, looted agricultural bank, destroyed a power station, kidnapped opponents and expelled Bahun-Chettris from the area of their influence. The KNF has merged and split with the Maoists several times. In Asoj 2058 v.s., KNF and Limbuwan National Front (LNF) were merged by the Maoists to form Kirant National

Front. The violence by KNF increased during 2001 and 2002 even though they began killing opponents since April-May 1999 (Sharma 2002; Shrestha 2004).

¹⁵ JTMM split from the Maoists and has killed Maoist cadres as well as others, including a Parliamentarian.

¹⁶ Similar campaigns were conducted in neighboring Saptari district in 1999 (at Dultpur in July & at Madhupatti in October, 1999) but were lower key than the Siraha district campaign.