

CHAPTER XIII

DEMOCRATIZATION PROMOTING AND DEMOCRATIZATION HINDERING CONTENTIOUS POLITICS: LESSONS FROM NEPAL

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The contentious activities in Nepal after 1990 have had mixed effects on democratization. Some of the activities furthered democratization. The social justice movements of dalit, madhesi, women, and indigenous nationalities expanded the political space of these traditionally disadvantaged groups. On the other hand, other contentious activities have hindered democratization. For instance, some of the privileged groups have engaged in collective protests to protect their traditional turfs and privileges. This second finding was unexpected, and is in contrast to the general assumption that contentious politics facilitate democratization. I will discuss these ideas in more detail below.

DEMOCRATIZATION PROMOTING CONENTIOUS POLITICS

The social justice movements that emerged and/or became more active after 1990 have contributed in expanding the democratic space to include more groups and individuals. The dalit, indigenous nationalities, madhesi and women's movements are some prominent examples. This notion fits well with Robert Dahl's (1971) well known conceptualization of

democratization- democratization occurs as more people participate in the polity. The traditionally disadvantaged groups in Nepal became more aware, informed, and active citizens and have increased their voice and role in the polity. Some of these groups have received some concessions from the government. In addition, these movements have also generated awareness within the larger society of the complexities of problems faced by these groups. Chapters by Maharjan and Shrestha on Newar in this volume provide support to the arguments that marginalized groups can organize and mobilize to fight against the inequalities they face as a group and the empowerment of groups empowers individual members of the collectivities and deepens democracy.

However, the reach of social movements has been limited in Nepal. To a large extent the social movements have been urban phenomenon. They have occurred around Kathmandu and other urban centers (cities, towns and district head quarters). Many of the people engaged in these movements belong to the middle class or elite section of the society and groups. Two cases in this book suggest otherwise. Hangen argues that small ethnic parties, which have characteristics of social movements, have provided space to the rural and poor marginalized indigenous nationalities. These people rarely find space in the mainstream political parties and social movements. The ethnic party also raised issues that the mainstream political parties usually do not. Likewise, Lakier also discusses the Kamaiya (bonded labor) movement of the Tharus that forced the government to announce an end to the system. It was a movement of a rural indigenous group, although the final protests occurred in the district headquarters and Kathmandu.

In the mobilization of the rural poor and their issues, perhaps the Maoists have played the most significant role. No political party or movement has mobilized the rural people more

than the Maoists (see Onesto and Somlai, this volume). This is significant because the mainstream movements and political parties, despite their claim of representing the rural people, were mostly urban and rural elite led. If mobilization of hitherto largely neglected people is a contribution toward democratization, the Maoists have played a significant role. However, the violent method they adopted, as will be discussed in the sections that follow, undermined the extant form of electoral democracy (see Khanal, this volume).

Demonstration, vigil, and rallies of human rights and peace groups also contributed positively to the democratization process. By conducting the activities with voluntary participation, they followed the norms of liberal politics. They also employed innovative strategies to convey their messages and were successful in grabbing media attention. The peace concerts organized by NGOs and music artists after the turn of the century that toured across the country, for example, expressed the desire for peace for the common people and helped generate attention beyond Kathmandu, the traditional location of such activities. The activities demonstrated that political messages could be conveyed if innovative strategies are employed, even without employing violence or coercion, as many of the regular contentious activities in Nepal did.

A lot has been written about the role of contentious politics in facilitating democratization (see for example, McAdam, Tarrow, and Tilly 2001; Chatterjee 2004). Some of the chapters in this book and cases discussed in them support the argument. However, a major finding of this volume is that contentious politics can hinder democratization. The following sections dwell on the issue.

DEMOCRATIZATION HINDERING CONTENTIOUS POLITICS

Coercive Protests and Violations of Liberal Rights

The years after 1990 saw plenty of protests and strikes in Nepal. Strikes and protests are, no doubt, an integral part of democracy. They facilitated the expression of unhappiness by societal members and draw the attention of authorities to problems. However, in Nepal, the problem with many of the strikes and protests was that they constrained the liberty of individual citizens. Many of these activities were enforced forcefully, with violence or the threat of it. The activities restricted the democratic rights of the common people even when they were conducted in the name of protecting democratic rights.

The strikes came in a variety of forms- road blockades, the shutdown of markets, colleges, and schools, and dharnas etc. Perhaps the site that most frequently bore the largest number of strikes was the colleges under the premier Tribhuvan University where various student organizations led by student activists affiliated with different political parties frequently called strikes and closed down colleges (see Snellinger, this volume). Often times these organizations called on strikes in the name of the students and people but their activities were in effect an extension of conflicts between their mother parties. The strikes were rarely based on what the people and students wanted. Some times, especially in the case of the Maoist student fronts, they also forced closure of institutions such as high schools. These activities not only denied students from pursuing quality education but also constrained the fundamental civil liberties of citizens.

The most well known public protests were the bandhs, which called for the closure of the markets, towns, cities, or the whole country. Shops, schools, and factories were often forcefully closed during the bandhs. Vehicles were prohibited from plying. Those who dared

to continue with regular activities were often violently stopped. Vehicles that defied the call were broken or burned, drivers beaten (and once in a while murdered, in the case of the Maoists), shops were vandalized, goods were thrown out and road side barricades were destroyed and bonfires of tires and other materials were lit on the roads. Students were deprived from attending schools; small time retailers were denied selling their goods to make a living; common people had to forgo their rights to buy goods and to work and go on with their normal lives. Often times, with the closures of businesses, low earning laborers lost wage hours as there was less or no work.² The common people were thus denied their fundamental political rights and civil liberties. These activities left such a bitter test in the mind of the common people that many welcomed the King's interventions in 2002 and 2005 despite their undemocratic nature. The common people did not join the political parties' movement against the King's interventions for a considerable time. They joined the movement as the royal cabinet began taking away more fundamental rights of the people by restricting the media, shutting down telephone lines and showing no signs of response to the peoples' cravings for peace, either by eliminating the Maoists through force as promised or initiating a dialogue with the rebels.

Contentious Politics and the Protection of Privileges of Traditional Elite

Some of the contentious activities were launched by privileged groups in order to protect their traditional privileges. A good example is provided by Lakier (in this volume) when she discusses the power of the transport cartel to close down vehicular movements and deny new public transport companies from operating outside the cartel's jurisdiction. The movement succeeded in maintaining the status quo in their favor. It frustrated the government's policy

to liberalize the transport sector and deprived consumers from getting alternate and efficient services. This example shows that the privileged groups have used democratic space to mobilize in order to protect their interests. As the traditionally privileged groups are more resourceful, their ability to resist changes that could foster progress could be formidable.

The activities of the fundamentalist Hindu organizations also fall in this category. After the declaration of the state as secular in May 2006 by the reinstated Parliament, these groups launched various protests to maintain the dominance of the Hindu religion in the state. These groups have also engaged in conflict with the minority Muslim community, which has often been at the receiving end due to its numeric minority status and unsympathetic administration dominated by the Hindus. In Nepalgunj, Hindu and Muslims engaged in violent conflicts around five times from 1990-1997. In 2001 when Nepali workers were killed by the Muslim fundamentalists in Iraq, the groups are also said to have been behind the rioting that targeted the Muslim institutions, buildings and businesses in Kathmandu. These groups say that they are working to protect the interests of Hindus but are often working to maintain the domination of Hindus.

The Maoists' challenge to Electoral Democracy

The Maoist insurgency also undermined the emerging electoral democratic practices. For this volume, the concern is not whether the insurgency and issues it is raising are right or wrong. We begin from a normative stand that democracy is a desired objective and activities that constrain it and do not abide by its norms undermine it.

First of all, by the avowed aim to replace the parliamentary democracy for most of the insurgency's lifespan, the insurgency actively opposed the electoral democracy Nepal had

been practicing. It killed people it deemed enemies and abducted, tortured and maimed others in the name of the people's war. The security forces killed more people than the Maoists did during the insurgency (see Onesto, this volume), and that should be condemned, but one can argue that it might not have occurred had there been no insurgency.

Beyond such violent and cruel activities, the insurgency also hurt the emerging democracy by restraining free movement, free speech, free association, freedom of faith and ideology. Opposition politicians and others who were deemed as class enemies were expelled from villages and their houses were locked and their lands and other properties were taken over. Donations (cash and material) were collected from the government employees, businesses, and the common people (often forcefully), many youths were recruited into the Maoist army and militia against their will, and teachers, students, and political activists of other parties were made to attend Maoist campaigns for days, weeks, and sometimes for months. These activities restricted the freedom of people and created a fearful situation in the villages. The Maoists engaged in such freedom restricting activities in the areas under their influence and posed threats even in areas outside their dominance. Further, due to the creation of unsuitable conditions for elections as a result of the threat from the insurgents, elections were not held after 1999 till 2005 when the Royal government attempted to hold local elections, which most of the major parliamentary parties boycotted. The Maoist insurgency directly undermined the emerging electoral democracy by attacking institutions such as elections, local government, and associations that are fundamental for democracy to function.

Democracy is a system of governance where people deliberate, agree or disagree, tolerate, compromise, and agree to disagree. Its major element is the procedural process it

adopts (Young 1995; Przeworski et al. 2000; Bollen 1991). The Maoists' conception of democracy goes against these fundamental principals, even at the theoretical level. The execution of class enemies, adoption of violent method and restrictions of civil liberties demonstrate their undemocratic practices while the attempts to capture power through violent means shows their disregard for procedural process. The residues of such tendencies still remain in the Maoists even after they have professed to join multi-party parliamentary system in 2005. The Maoists still say that the political parties that represent imperialists, expansionists and regressive forces would not be allowed to participate in the multiparty democracy. The issue here is that is it the Maoists or people who will determine the undesirable elements? The people, the sovereign power in democracy, could vote in the Maoists or throw them out as well.

Even in arenas where Maoists claim positive contributions, negative consequences have occurred as well. Onesto (this volume) cites the liberation of traditionally disadvantaged groups due to the insurgency. For instance, the Maoists have claimed that they have undermined sexism in the society. However, the chapter by Crawford, Kaufmann and Gurung clearly shows that women have also borne huge costs due to the insurgency. The cost not only came from the killings of dear ones (husband, other family members etc.), displacement, threat (real or perceived) on life, increased burden (when male members were killed or displaced) but also from the increase of particular kinds of risks for women and children. They argue that daughters of displaced families have higher chances of being trafficked and NGOs working for the alleviation of women's problems have been hampered in their work due to breakdown of law and order, uncertainty and unpredictability of the situation.

Indirect Consequences: Overwhelming the Fledgling Democracy?

Several indirect negative consequences of contentious activities occurred in Nepal as well. One indirect negative consequence of contentious politics was the perception of social disorder they generated. Rademacher (in this volume) shows that by the end of the twentieth century people in Nepal had increasingly lost hope that the democratic government could enforce law and order. This perception increased, in the case of people concerned with the environment in the Kathmandu Valley in Rademacher's study, with the government's inability to halt the environmental degradation. The coercive street protests and obstruction and destruction they created, discussed earlier, fuelled these perceptions. Such perceptions lowered the legitimacy of the democratic regime and developed a yearning for social order and stability. This created a situation whereby autocracy began to appear attractive in some section of the society. They wrongly perceived that it could provide peace and law and order. A state of the emergency was declared at the end of 2001. The King capped it off first by dismissing the elected government in 2002 and later on heading the cabinet himself in 2005. Autocracies come not only because of autocrats' desire but also because they tend to receive societal support, at least initially. Both the state of emergency declared by the Deuba government in 2001 and those initiated by the King initially received some support from different sections of the society³ that wanted some order and peace.⁴ Here it should be noted that even in democratic societies, there are tensions between liberty and order. Even in many democratizing and established democracies, when the law and order situation deteriorates many citizens are willing to give up some of their liberties to contain such threats. A good example is the Patriot Act in the USA after 9/11 that has undermined civil liberty.

It could be that some activities may constrain democracy in the short run but may benefit it in the long run. The Maoists could claim that their objective of creating equality, even through violent means, could facilitate democracy in the long run. Other activists engaged in violent and coercive protests could make similar arguments. However, arguments that the ends justify the means do not match well with historical facts. Schumpeter (1950) long ago argued that there is no reason to believe that violent means of heralding a higher 'democracy' are justifiable through the philosophy of ends justifies the means because democracy is a political method of getting to the end, and not an end itself. Likewise, numerous cases of violent changes heralding either counter violence (France) or suppression of people's rights (the USSR, China) abound.

DISTINCTION AMONG CONTENTIOUS POLITICS THAT PROMOTE AND HINDER DEMOCRATIZATION

If some contentious politics hinder democratization while others promote it, what is it that contributes to the difference? Clearly the use of coercion in the enforcement of calls by the groups engaged in contentious activities does not promote democracy in a democratic regime. On the other hand, non coercive contentious politics have promoted and expanded democracy. Here I call those contentious activities as coercive when groups that have called for protests forcefully enforce the call: they vandalize shops that open and vehicles that ply the road during the calls for bandhs. They violently deny the right of others to disagree with their call. In such instances, peaceful persuasion is not employed to convince people but violence or the threat of it is used. Here I make a distinction among those activities and others like rallies that

may obstruct traffic for sometime but do not employ violent and coercive method to enforce their call. I do not call the latter activities coercive.

However, as both the first (1990) and second (2006) peoples' movement demonstrated, coercive methods were useful in restoring democracy. Bandhs and other coercive repertoire of contentions were also employed during the movements, although they were employed less often in the second movement. Hence coercive contentious activities have played a part in restoring democracy during a non-democratic period. Similar contentious activities have contributed in restoring democracy during a non-democratic period while hindering democratization when democracy is operating. A four fold category presented below helps to simplify the analysis.

Table 13.1: Contentious Politics and Democratization

	Non-Democratic regime	Democratic regime
Coercive contentious politics	COULD BE HELPFUL	HARMFUL
Non coercive contentious politics	HELPFUL	HELPFUL

The table shows that non-coercive contentious politics could be helpful for democratization during both democratic and non-democratic regimes. In both type of regime it will allow people to express their opinions and make demands for change. Coercive contentious politics is harmful for democratization during a democratic regime but could be useful for democratization by helping to make regime change from non-democratic to democratic. The problem, however, is that the activities seem to continue into the democratic

period. The actors are familiar with such activities and the activities themselves have gained acceptance due to their success.

Has non-deliverance of non-coercive mobilization led to reliance on coercive methods? This is an important question in Nepal because if non-coercive methods do not deliver, the proponents could opt for coercive methods in the future. The Kamaiya movement discussed earlier shows that reliance on coercive methods could facilitate a quicker response from the government (of course the coercive methods employed in terms of sitting down on roads is of different level than coercive politics of students when they burn tires, vandalize shops and vehicles). The Kamaiya movement did not depend on violence on their part even though they obstructed traffic for some hours during the day in their sit in programs. The indigenous nationalities and dalit have also obtained concessions, even though minor ones, largely due to peaceful lobbying and protests.⁵ Still, the major demands put forward by the peaceful identity movements were largely ignored during the democratic period, suggesting that some groups could perhaps perceive that coercive contentious activities are called for. Thus, if organization and mobilization permit, some of the groups which had not engaged in coercive methods earlier could employ such methods in the future to make their demands, especially if their demands made through non coercive methods are not met.

FACTORS FOR RELIANCE ON COERCIVE METHODS

It is beyond the scope of this chapter to identify the reasons for reliance on coercive methods by various groups. Here, I will hypothesize a few factors. One factor is the lack of rule of law. In the case of transport owners' strikes discussed by Lakier (in this volume), the transport owners were clearly defying the government policies and were engaged in coercive

methods to maintain their privileges. The government was unable to implement its liberalizing policy or break the strike. The government's incompetence could have encouraged such groups. On the other hand residents alongside the highways often halt the traffic when fatal accidents occur due to their perception that the administration will not punish the drivers and provide compensation unless they compel the administration through such activities.

Another reason for various actors and groups to engage in coercive methods was the unresponsiveness of the government. If the government had addressed some of the demands of non-coercive movements, the incentives to turn coercive would have been less. The underlying reason for the lack of responsiveness of the government could be the centralization of power. Centralization denied power to local authorities. As many of the local issues could not be addressed by local governments, the problems went unresolved. Some of the protests were taken to the center but the center was largely unresponsive due to pre-occupation, lack of sensitivity to the issues, and so on. Alienation among the grieved group increased. The groups also clearly understood that peaceful protests were not yielding results and coercive ones were. Thus, those who could muster organizational and mobilization power adopted coercive means to draw the attention of the government.

One of the consequences of the centralization has been the absence of autonomy and self governance rights to various national/ethnic groups. It has meant that these groups have been compelled to struggle for their rights, as Hangen, Shrestha, and Maharjan in this volume show. Lawoti (in this volume) traces the ethnic centralization of the post 1990 democratic years to the 1990 Constitution and its engineering process. The exclusion of non-dominant

groups in the constitutional engineering process led to the neglect of their issues and demands in the Constitution.

The centralization also affected the regular political process negatively. The opposition political parties were unable to influence policies as the Nepali state structures concentrated most power in the ruling party and did not give space to the opposition forces. The ruling party often abuses the state power to promote its interests. In such circumstances, the opposition parties are often forced to engage in street politics as it is often the only way to resist the ruling party's political encroachment and influence public policies.

The non-functioning of democracy's various elements due to centralization of power also increased incentives for contentious activities. For instance, the lack of an independent Election Commission, which was a result of the ruling party's role in nominating the commissioners, allocating budget and personnel to the commission, resulted in elections that were perceived to be unfair by the opposition and general public. It contributed in pushing the opposition forces towards coercive methods. As Adam Przeworski has famously said, elections are supposed to institutionalize unpredictability. No one should know in advance the outcome of an election. In Nepal, the ruling party has been lessening the unpredictability of the elections by abusing power to influence the elections in its favor. As a result, effective alternation of power among political parties has not taken place.⁶ This has contributed to the use of coercive contentious activities by opposition as they feel that it is the only option they have in a system where the government does not listen to them and it is difficult to change the government through an electoral process. The lack of truly free and fair elections means that the opposition perceives that the ruling party will rule for perpetuity by abusing elections. It creates a situation of security dilemma. Each party perceives that the others will abuse power

when they have it to influence elections in their favor. It has meant that the ruling party perceives that if it does not influence the electoral process to win, the other party will win and abuse power to win again. The lack of fair elections has meant that the ruling party can to some extent extend its tenure non-democratically. It also means that since the democratic process does not function smoothly, the opposition parties have to rely on non-democratic and violent methods to influence government and policy changes. The coercive street protests by the parliamentary parties and the Maoist insurgency are different examples of the coercive activities of opposition parties whose faith in the democratic process had eroded.

CONTENTIOUS POLITICS IN FLEDGLING DEMOCRACIES

Finally, it is imperative that we discuss the lessons of Nepali experience on the concept of contentious politics itself. Hangen and Snellinger clearly show in this volume that the generally employed definition proposed by McAdam et al. may have to be revised in the context of new democracies that swing between democratic and non-democratic polities (see chapter 1 for definitions). McAdam et al. (2001: 5) excludes formal politics and agents and activities associated with it such as “regularly scheduled events such as votes, parliamentary elections” from contentious politics. However, as Hangen argues, for very small political parties at the margin that act more like social movements than a political party, despite their nomenclature, and do not have much chance of capturing the state in any foreseeable future, participation in elections could be part of a strategy to push their cause. In such situations, entities like the MNO may call itself a party (but was banned by the government) and may field candidates during elections but its overall impact is similar to that of a social movement. Thus, the participation in the election itself “was a form of contentious politics.”⁷

Likewise, the student activism in Nepal also brings other interesting issues. The student organizations are formal sister organizations of the political parties. However, during the non-democratic period, especially between 2002 and 2006, they acted relatively independently. On issues like the demand for republicanism, they led the political parties toward it. In fact, they also led the movement against the regression, which was a movement in its true sense because civil society, professional organizations, students and other non-political party people played a decisive role in it. This shows that organizations affiliated with formal political parties could be involved in larger socio-political struggles during non-democratic periods. The activities went beyond the formal realm of canvassing votes for one's party, expanding party organization etc. Thus, during non-democratic periods organizations affiliated with formal political parties could be engaged in activities that are truly contentious politics - those activities may not be part of regular formal political practices guided by the larger agenda of contributing in the forming or breaking governments. The affiliation with political parties should not exclude those activities from being considered as contentious politics.

What these two cases suggest is that perhaps while dealing with fledgling democracies, especially when they are on the swing to the non-democratic side, the criteria for defining contentious politics should take into consideration the different circumstances in such countries. Contentious politics should be defined not solely based on the formal nomenclature of agents and organizations (like MNO, and student organizations affiliated with political parties, see Hangen and Snellinger) and activities (elections, see Hangen), but more on the consequences of those activities.

WAY FORWARD

We have shown that contentious politics could affect democratization both positively and negatively. The challenge is how to promote positive consequences. One way is to recognize the social forces and their causes. In many circumstances, the recognition of issues can defuse the problem. For instance, India witnessed linguistic riots after independence when Nehru tried to federally divide the country administratively instead of linguistically. After the opposition and riots, Nehru backtracked and re-divided the country linguistically. The problem was defused.

If social forces are not recognized, they could turn into a destructive force. If the demands of the Maoist and ethnic groups had been recognized and addressed earlier, Nepal may not have borne such a huge human and other cost. On the other hand, if social forces are incorporated into governance, they could contribute to reforming the state and society. For instance, to address the Maoist insurgency, the Nepali state is being restructured. It could result in a massive reform that could make the state more inclusive and accountable.

The above discussion shows that the government needs to be responsive. One way to make the government responsive is to increase access points of people to the government. In a highly centralized country like Nepal, extensive devolution and power sharing can increase people's access to the government. When power is distributed among different levels and agencies of government, they could become more effective in their own spheres of operation. Good governance would contribute toward promoting law and order, which could address the harmful contentious activities as well.

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ENDNOTES

¹ I thank Susan Hangen for her insightful comments on an earlier draft of this chapter.

²Millions were lost from business transactions that could not take place; tourism industries floundered as tourists diverted to other destinations- some hotels have gone bankrupt; many industries stagnated due to the political conflict and both the owners and laborers were

negatively affected by it. As a result Nepali businesspersons have diverted capital out of the country, further hurting the economy (based on conversations with business persons).

³ The state of emergency declared in November 2001 was supported by all parliamentary parties.

⁴ The mass participation in the 2006 uprising is to some extent the desire for peace and social order among the people. More people increasingly got turned off from the King when he did not reciprocate the ceasefire declared by the Maoists.

⁵ Some commentators have argued that these concessions were awarded to halt more members of these groups from joining the Maoist insurgency. If that is the case, the peaceful movement could be interpreted as not being successful even in obtaining minor concessions. But we have to recognize the contributions of such movements in not only sensitizing the government but even the Maoists.

⁶ Although most political parties participated in the government during the hung Parliament of 1994-1999, the NC was in power around 90 percent of the time during 1990-2002. Hence, effective alternation in power did not occur.

⁷ Email communication with Susan Hangen.