

The Next Nepali Revolution - On federal and identity politics

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Things haven't gone as planned since the fall of the monarchy in Nepal. The Left should embrace the struggle for a federal constitution.

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Less than quarter of a century after the fall of the Soviet Union, Nepal joined the modest list of nations where a revolution from the Left had seen success. When the Maoists began their guerrilla insurgency in 1996, Nepal appeared to be firmly on its way to the Fukuyaman “end of history,” with a newfound halo of parliamentary democracy, a liberalized economy, and a constitutionally constrained monarch.

Things didn't go as planned. By 2005 — the year Nepal's king Gyanendra Shah suspended parliament and took direct control of the government — nearly thirteen thousand lives had been lost to civil war. The royal coup also had the effect of alienating parliamentary parties, who were until then allied with the king in the conflict against the rebels.

With the king's suspension of democratic government, these parties — led by the two big rivals of electoral politics, the liberal Nepali Congress (NC) and the Communist Party of Nepal-Unified Marxist-Leninist (UML) — found the opportunity to align with the Maoists and mount a common front against the authoritarian rule. The parliamentary parties would begin a popular movement demanding the reinstatement of the parliament while the Maoists continued their armed conflict with the state forces.

A year later, in April 2006, the king was forced to finally restore the parliament, which effectively ended his regime; in less than a month, the reinstated parliament passed laws that formally curtailed the already defanged monarchy's powers. In November that year, the Maoists and the parliamentary forces signed a Comprehensive Peace Treaty [1], finally ending the decade-long war [2] and paving the way for constituent assembly elections in April 2008, where the Maoists (presently the United Communist Party of Nepal-Maoist, or UCPN-M) emerged as the largest party. By May 2008, Nepal was a republic.

Nepalis, it seemed, were to finally have a constitution, one written for the people and by the people.

At least, that's how it was supposed to be.

But when Nepal's constitution-writing body finally promulgated the constitution on September 20, 2015, the country was deep in crisis. Despite extending the deadline of the first constituent assembly

more than once, it was suspended in May 2012. The primary reason behind the aborted assembly's failure to produce a draft of the constitution was disagreements over what remains the most contentious fulcrum for political polarization in Nepal today: federalism.

The particulars of the disagreements were in whether the new states would be created on the basis of ethnic, linguistic, and geographic considerations, or if they would be purely administrative divisions. On one side of the divide were the Maoists (UCPN-M) and the parties built on the platform of ethnic identity post-2006, who wanted to carve out states where minority ethnic and linguistic groups would have demographic advantage. On the other side were the Congress, UML and other parties of the old parliamentary fold, many of whom were either critical or actively opposed to the very idea of federalism.

After a year of impasse, another constituent assembly was elected in 2013, this time making the Congress and the UML the leading parties, who went on to form a coalition government. For months, the polarization over questions of federalism endured.

But in June 2015, when the country was still reeling from devastating spring earthquakes, the ruling coalition and the largest opposition, the UCPN-M (along with a small ethnic party) agreed on the fundamentals of a new draft of the constitution. This move effectively ended the Maoists' alliance with other dissident parties that advocated for a more radical form of federalism.

As the unnatural troika of former rivals pushed through the country's constitution, the prospects of political resolution looked increasingly dim. The constitution was promulgated while the southern belt of the country, known as Madhes (or Tarai), was up in flames following the release of the draft of the document in early August.

Large protests broke out across its cities and towns [3], in particular disputing the proposed borders for carving out new federal states, which fail to address the historic marginalization of ethnic minorities and ensure inclusive representation — borders that will in effect perpetuate the control of the ruling elite. The protests continue to this day.

The government, created from the same constitution-writing body, has been brutal in its response. In the first month or so, demonstrations were met with harsh repressions and several towns were put under frequent curfews. The national army had been deployed in some areas and police presence was permanent. In the process, over forty-five people have died and hundreds injured.

According to a recent Human Rights Watch report [4], there was “abundant evidence in several cases of serious crimes by police against protesters and bystanders, including disproportionate use of force and extrajudicial killings.” The report also noted “criminal attacks on defenseless police by protesters.” One person was shot dead by the police less than an hour before the president announced the promulgation of the new constitution of the young republic.

The shutdown of transport and businesses across many towns in Madhes that began over 130 days ago has taken new proportions since the release of the constitution. Following the release, the groups leading the protests in southern Nepal decided to shift strategy and start blocking the flow of goods at key customs ports around the border with India [5].

It was a significant decision, as Nepal heavily depends on imports from India (and from other countries via India), including petrol, diesel, and cooking gas. It was a clear move to increase the pressure on the capital, as the mere street demonstrations were appearing to have diminishing effect.

Crucially, the Indian state also seems to have imposed trade restrictions on their side of the border.

Although the Indian government has officially denied that it has imposed a blockade, it is clear that they have been constricting flow of goods, particularly of petroleum products. With that, the crisis that was once concentrated in the south has now gripped most of the country.

This is one of those unfortunate paradoxes of international politics, where the legitimate claims of the oppressed can be undermined by the support — real or perceived — of a regional hegemon. And unsurprisingly, it has given the ruling sections of the two countries an opportunity to articulate their agendas.

India's Prime Minister Narendra Modi has found a perfect tool to expand his authoritarian methods beyond the Indian nation-state and clarify the nature of an Indian hegemony which treats Nepal as a client state. For the ruling elite of Nepal, primarily composed of hill-caste men, it once again gives them the chance to amplify a nationalist rhetoric and undermine the Madhes movement by projecting Indian intervention as the root problem [6]. Meanwhile, the Madhesi cause, and by extension, other forms of ethnic politics, recedes into the background.

More worryingly, as the dialogue between the government and the United Democratic Madhesi Front (UDMF), the coalition of Madhes-based parties leading the general strike, shows little progress there is the danger of the demonstrations taking a violent, even sectarian turn, supplying the state with more pretexts to intensify its armed presence.

What explains this sudden chaos in Nepal? Why such objections to a constitution prepared by a democratically-elected body, headed by parties that call themselves socialist or communist and made explicit promises of secularism, federalism, and inclusion? And what has become of a politics that looked remarkably revolutionary not long ago?

A History of Hegemony

The oldest nation-state in South Asia, Nepal's origins lie in the campaign of successive military conquests by the rulers of Gorkha [7] — a minor kingdom from the central hills of Nepal from which the word "Gurkha" comes. Led by the upper-caste men from the hilly regions, the Bahuns and Chhetris, the Gorkhali empire's expansionist zeal was halted by the Chinese empire in the north and the British empire (in the form of East India Company) in the south, giving Nepal its present territorial dimensions.

In the process, the young empire brought a wide range of nationalities under its control: the indigenous people or "Janajatis" of hills and mountains; the Newars of Kathmandu Valley; and the Tharus and Madhesis of southern plains, among others. The diversity of ethnic identities, and the regions they have historically inhabited, are essential in understanding the country, especially given the clichéd and misleading portrayal of Nepal as a "Himalayan" nation, even as half of the population lives in the southern plains which is geographically the continuation of northern India.

For nearly two hundred years, the state operated as a feudal-military state, with ruling elite extracting surplus from the largely agricultural workforce. Hegemony came in all forms. A strict legal code called Muluki Ain came into effect in 1854, where all people were categorized based on an improvised Hindu caste division system.

Those ethnic groups outside the Hindu caste-fold were placed even lower in this institutionalized hierarchy. A policy mandating only Nepali language — one used by the hill Bahuns and Chhetris — was enforced, and teaching and publishing in other languages was punishable. The political economy of the country was highly centralized, with the royalty and a handful of military, priestly,

and merchant clans holding the reins of administration.

Democratic reforms began in 1951 with the overthrow of the authoritarian and oligarchic rule of a prominent military clan, the Ranas, who had for the previous century reduced the monarchy to a minor force. But within a decade, the king, who controlled the military and had the support from the landed aristocracy, suspended the parliament and banned all forms of party-political activities.

For the next thirty years of what was called the “Panchayat” regime [8], all political activity was driven underground and the country saw a wide range of pro-democracy activism where the current crop of leadership came of age — from covert memberships of student unions to a failed revolution inspired by the left-wing Naxalites of neighboring West Bengal [9].

In the spring of 1990, following the success of a popular movement forged by a coalition of the bourgeois liberal Congress and leftist forces (largely comprising of what has been today reduced to a reactionary UML, with its deep ties to NGOs and private businesses), Nepal had a new constitution in place, one that was in perfect congruence with the ideas of liberal democracy.

Yet its shortcomings soon revealed itself. The constitution’s liberalism functioned in ways that benefited the emerging urban middle class (largely from the hill upper-caste), who had supported the popular movement as they thought the partyless Panchayat had suppressed their natural economic and political potentials. Politically, the grip of those from the hill upper-caste on the state machinery saw little challenge. In fact, under the universalizing grammar of liberalism, the problem of underrepresentation of the remaining 85 percent could not even be framed adequately.

As a result, politics based on ethnic identity were almost driven out of the mainstream party politics, leaving it to find a place in NGO activism, or more explosively, a few years later, in the Maoist insurgency. The economy took a similarly reactionary trajectory.

The country had already started flirting with neoliberal policies, and under the Congress — the party that had led the movement and was the biggest beneficiary of the parliamentary system in the early years — Nepal saw the full range of economic liberalization: the necessary legislative changes to fuel foreign investment and privatization of state-owned industries.

It is this post-1990 liberal utopia, in addition to the long history of marginalization, that needs to be taken into account in understanding the question of identity federalism. Within less than six years, a split faction of a radical left party, the Communist Party of Nepal-Maoist (CPN-M), declared a “People’s War.” Their demands were largely of the economic-nationalist and anti-imperialist fold. Secularism, republicanism, and autonomy for ethnic nationalities were also mentioned — demands that were to not only dominate but almost completely replace the economic slogans.

This was an ideological novelty of sorts: no communist party in Nepal had until then advocated that caste and ethnic identity be a central pillar for mobilization. With their leadership and support coming mostly from the rural petty bourgeoisie, hill Bahuns, and Chhetris, this was not unusual. But the Maoists, following Lenin’s formulation of the nationalities question, identified ethnic grievances and eventually made them one of their most explicit causes, naming as many as nine regions that deserved regional autonomy.

It was this demand for autonomy that allowed their insurgency to expand beyond their traditional base in the remote hills of western Nepal. Given the centrality ethnic autonomy took in the both the formulation of their rhetoric as well as their organizational forms, their armed rebellion gave what could have become purely an ethnic conflict a fuller and broader political face.

While the popular movement of 2006 is often credited with ending monarchy in the country, it is

sometimes ignored that the principle energy behind the insurgency and the culminating popular movement came from the need to radically transform the nature of the Nepali state.

This meant framing a new constitution that ensured creation of federal provinces (based on ethnic and geographical realities), proportional forms of representations in legislature and state institutions, and institutionalization of secularism — transformations, that if set in motion, would fundamentally begin to alter the political economy of Nepal.

Among these, it was the first two changes that posed most threat to the ruling elite. The manner in which new states would be created in the as yet centralized Nepal — and what that would mean for its ethnic nationalities — defined the central contradiction in the country, since it opened the possibility of disturbing the ethnic hegemony of hill upper-caste and class: whereas all hues of politics in Nepal, whether it be from the Right, center or even Left, had theretofore largely been the preserve of the Bahuns and Chettris. And in the early days of 2007, protests in Madhes and the state's violent reaction to it showed that the contradiction was just below the surface.

Radical Departures

The southern region of Nepal is mostly populated by Madhesi and Tharu people (although many from the hills migrated here starting in mid-twentieth century) who share ethnic and kinship ties with people across the border in India. Its inhabitants have historically been marginalized, especially vis-à-vis economic and civic rights, by the state in a manner that could be termed internal colonization.

The region was also at the forefront of popular movements that explicitly demanded that federal states be divided recognizing ethnic, linguistic, and historical continuities. And so when the country's interim parliament (prior to the first constituent assembly) adopted a new interim constitution that didn't guarantee federal restructuring of the country, widespread demonstrations filled the streets of Madhes.

The government had to eventually reconcile with the demands: the interim constitution was amended to explicitly commit to federalism and proportionate representation in the electoral system. Not just the Madhesis, but the indigenous people (Janajatis), Dalits, women, and other religious and ethnic minorities were to be included in state bodies in proportion to their population.

In addition, there would be forms of affirmative action in place. But the new constitution largely ignores these demands. This also explains why it is the Madhes where the agitations denouncing the constitution written by the troika are most intense.

This departure from the revolutionary spirit of 2006 was not sudden. Following the failure of the first constituent assembly after it couldn't agree on the issue of federalism, the Maoists and the Madhes-based parties, who dominated the assembly, faced much popular criticism. This was compounded by the increasing strength of establishment forces (the bureaucracy, the army, the police, and the judiciary), until it was reflected in the electoral arithmetic of the second constituent assembly elections in 2013.

Apart from the resurgence of the two parties that ran the country in post-1990, liberal Nepal, there was also palpable growth in support for royalist groups. The UCPN-M, now a faction smaller than before, lost 149 seats. The showing was even poorer for Madhesi and Janajati parties. After much horse-trading, the top two parties, Congress and UML — the two rival forces of Nepal's electoral politics — came together to form a coalition government. It was a clear right-wing resurgence, with

those who represented dominant caste and class at the helm again.

The opposition bloc, consisting of the Maoists, and the Madhesi and Janajati parties, was numerically insignificant. The ruling coalition had over 60 percent of the total seats; 66 percent was needed for writing the constitution as per their wish. Given this, the opposition, led by the UCPN-M, had to resort to ground mobilization.

Starting in February, the opposition coalition began rounds of demonstrations around the country, including bringing the capital of Kathmandu to a halt. Their central demand was “consensus” in constitution writing: a euphemism suggesting that the ruling NC-UML alliance could muster enough numbers to ram through the document, and so it was in the streets — not the floor of the Assembly — where the opposition parties had any traction. But by August, with the UCPN Maoists hastily aligning forces with NC-UML to finalize the constitution, the critical agenda of identity-based federalism was compromised and the counterrevolution completed.

Why the UCPN-M chose to take this road and abandon its radical stance is a question whose answers are still coming. But their deradicalization was not unusual or unforeseeable. Many party members spent almost a decade in the legislature, an ideal incubating time for becoming professional politicians.

They, along with thousands of local-level party workers, were to eventually act as rent-seeking agents in a political economy where its rival parties had been ahead of the game by at least another decade. Inevitably, this led to clearer ideological drift resulting in the rampant factionalism; since their entry into electoral politics, they have been split into three other “Maoist” parties with relatively small bases of support.

The Future Left

Given the enormous confusion, and polarization, that one sees within left-liberal circles in Nepal on the issue of identity-based federalism, one might assume that this division is only a matter of how radical or moderate one is regarding state restructuring. However, it is not difficult to see that ethnic federalism is not just a radical move; there is a reformist element to it as well.

All hues of reformist politics are premised on the idea that economic and social inequalities can be reduced through democratic methods, without necessarily resorting to revolutionary tactics. Economically, the aim is to get more essential goods and services out of the commodity market and into a public sector; socially, the marginalized and oppressed social groups are to be given greater share and ability to exercise power. However, as was clear from the decade of parliamentary democracy from 1990 into the 2000s, even these aims found little success in a centralized Nepal.

This was because this form of democracy was built on a legislature formed on the basis of first-past-the-post elections, in a state where the hill upper-castes monopolized much political and economic surplus. Representation of minorities was reduced to tokenism. The result was that the very problems the progressives wanted a solution to became more intractable.

By contrast, the creation of federal states based on ethnic and linguistic identities would, to begin with, enable a space for challenging the hill-caste hegemony.

This is not to undermine the role of class-based formations in the political struggles of the Left, but precisely to underscore the need for a larger solidarity that tries to align interests with the realities of caste, gender, and ethnicities.

Of course, those in the Left who profess a federal politics of identity do need to acknowledge an issue in the long run: that an identity politics — especially one formed around ethnic-linguistic nationalism — can degenerate into petty-bourgeois nationalism if not complemented by a grounding in pro-labor, feminist, pro-queer, and anti-imperialist ambitions. The question of how such a movement is forged is still being grappled with. But in Nepal, no political solution to this question can begin without the formation of federal states that consider ethnic identities as a major criterion.

Many critics have argued that the current constitution is an illiberal one. But its failure is a function of liberal ideology itself: it was supposed to reflect people's deepest radical desires, instead it has become a balance sheet of power arrangement.

In the absence of an arrangement that in concrete ways addresses the continuation of historical marginalization of ethnic communities, as well as other social groups, there will be little room for a truly left politics in Nepal.

Solidarities formed around these movements provide the most effective form of anticapitalist politics in the present conditions, especially with the two largest "Communist" parties in the country showing little signs of any socialist politics and there being little or no trade union movement in the country. Only these radical interventions, which looked quite possible few years ago, will ensure space for class-based politics.

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P.S.

* Jacobin. 01.03.2016:

<https://www.jacobinmag.com/2016/01/nepal-liberal-constitution-maoists-protests-monarchy>

* Shubhanga Pandey is a Kathmandu-based journalist.

Footnotes

[1] <http://un.org.np/node/10498>

[2] <http://www.aljazeera.com/news/asia/2008/04/2008615165932572216.html>

[3] <http://www.aljazeera.com/indepth/features/2015/09/unveiling-nepal-constitution-deadly-protests-150920102909569.html>

[4] <https://www.hrw.org/report/2015/10/16/we-are-not-nepali/protest-and-police-crackdown-terai-region-nepal>

[5] <https://www.theguardian.com/world/2015/sep/25/nepalese-protesters-block-major-trading-checkpoint-indian-border-constitution>

[6] <https://thediplomat.com/2015/09/nepal-tests-indias-much-touted-neighborhood-diplomacy/>

[7] http://self.gutenberg.org/articles/gorkha_kingdom

[8] [http://research.omicsgroup.org/index.php/Panchayat_\(Nepal\)](http://research.omicsgroup.org/index.php/Panchayat_(Nepal))

[9] ESSF (article 42558), [The Many Faces of the Indian Left - A backgrounder](#).