Social Movement, Civil Society and Regime Change in Nepal

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This presentation seeks to highlight two important aspects of Nepal’s experience with social movements and the ongoing struggle for social change. One, Nepal’s political struggle in the past failed to produce the expected social and economic outcomes, because the political struggle remained just that, not a part of a social movement.\(^1\) Two, the nature and the scale of the movement we had this year and the ongoing developments at this very moment should give us some ground for hope that Nepal of the future will be agreeably different from the one of the past. Whether this will happen in reality will depend on a number of things. One of them is whether the civil society activities embrace and project the character of a movement that is distinct from the inevitably power-oriented activities of actors in the state domain and in politics surrounding it. That the Nepalis are beginning to see the value of social and civic activism and of the contributions they make to social change vital to the sustainability of democracy and peace is a good sign.

The Sorry Record of Social Movements in the Past

Nepal’s history of political struggle – about six decades long --is short by any standard. The country cashed in on the post-colonial wave of democracy only 10 years after the first signs of revolt against the anti-democratic government were observed in the country. Historically, the burden of the struggle has fallen on a limited section of the people within the politically aware and active class rather than on the broader society and its diverse members. Of course, sacrifices have been made at the personal level and the country has its share of the martyrs who gave away their life in the process. However, social movement, inspired by socially shared beliefs and executed as collective activities for generally beneficial change in important aspects of social order is not a part of that tradition.
In the country’s modern history, one author was imprisoned for writing a book on “the cultivation of maize”. The author was deemed to be trying to influence collective thinking of the Nepali people on possibilities of social change that the then regime would not allow. A few other people were arrested for trying to run a public library – again a dangerous attempt to cultivate collective and interactive minds in a regime that did not see the spread of education in the country kindly. The isolated events owed their origin to the acts of a few courageous and community-oriented individuals. They did not assume a scale or a character that could be anything like a social movement.

The events just stated occurred during the later part of the 104 year-old Rana regime that did not tolerate even the hint of a dissent. To go with the character of the regime, there was no hint of the civil society either. There was no free press, there was no academic freedom and the proportion of people with reasonable education was miniscule. Those who were educated aspired to only one thing, government job. This applied to teaching profession as well. The government ran the few schools and a college or two that existed at the time and the school teachers and college professors were all treated as civil servants.

The despotic regime came to an end in 1951 as a result of political revolt. The revolt, as the establishment, including the democratic political camp would have us believe was led by none other than the monarch of the country who was therefore declared “the father of the nation”. This irony had a lasting impact on the possibility of social change in the country. The social forces resisting change remained powerful while the new leaders gravitated around the monarch and monarchy. The political change thus produced or legitimised could not inaugurate an era of social change befitting a country that aspires to democracy.²

The Nepali situation depicting such gaps in social and intellectual consciousness did not change significantly for many decades. Inadequacy in social movement meant liberty to the state to continue doing what it does best – maintain status quo. The composition of
dominant class did not change. Feudal relations remained in tact. Anachronistic and
disgraceful practices flowing from the Hindu caste hierarchy such as the so-called
“untouchability” remained in tact, as did the subjugation of women and other historically
oppressed groups of citizens. The more than fifty years of efforts at development and the
many development plans the country pursued remained oblivious of the difficulties that
such environment posed for the realisation of the declared objectives of political freedom,
social justice and general development of the country. On the social side, the focus of
attention was, at best, the policies of the state including those in social sectors, e.g.
education and health. The collective demand of the people for social change based on
shared beliefs and attitudes and for systems that would be necessary to obtain sustainable
outcomes was generally absent. It was as if not only monarchy but also feudalism and
other forms of obscurantism were deemed compatible with democracy and development.
In such a dire situation, signs of civil society and civic protests remained rare. The
development paradigm that projected the state as the benefactor and the people as passive
receivers of development did not help the situation much.

The new constitution and the democratic order that the country obtained for itself after
*Jana-Andolan* (People’s Movement) in 1990 gave some hope. First, political rights and
civil liberties of the people were guaranteed for nearly the first time. This meant that the
people could speak and freely express aspirations for their cultural and social rights as
well. The diversity that is Nepal, economically, socially and culturally, found its true
expression through organisations and activities aimed at securing the identity and
interests of communities that suffered neglect at the hands of dominant groups
comprising the ruling classes for decades and centuries. The idea of the Hindu State, as
sanctified by the constitution at the behest of the traditional forces including the king and
his palace was challenged. The “hegemony” of the “Aryan” culture and of the Nepali
language in state and society at the cost of indigenous and other peoples of different
ethnicity became a serious subject of social debate for the first time. Rights of women
and the general issues related to social discrimination against other similarly placed social
groups found salience in political debate, aided also by the gradual transformation of
development discourse toward the same direction. The cause of social outcasts and
oppressed people such as bonded farm workers and “the untouchables” in the Hindu caste hierarchy found a new legitimacy. And so on.

Things generally ended there. Sections of the civil society, including some advocacy NGOs have pursued the issues in a religious fashion. The political parties and their leaders and workers also knew that they could fully ignore these aspirations only at their peril. But in the absence of pressures that could come only with collective demands made on the scale of a social movement, the concerns were largely limited to rhetoric or lip service. The dominant groups in politics and society were not quite ready for reallocation of power and resources that a true commitment to the cause would entail. They merrily went on doing what they do best: (a) provide a modicum of political rights and civil liberties for the vocal groups, (b) hold elections periodically and extort and accumulate as much resources as possible for winning them, (c) pay at least nominal attention to what the international donors say and obtain resources in the name of development, (d) primarily maintain status quo (e) and enhance personal and political fortunes as much as possible.

The just aspirations of the people, their growing ability to articulate and make demands for their fulfilment and a general lack of will in the political class to seriously address the issues produced its own dynamic. At the end of the day, the newly established political class among them lost power, as the Maoist insurgency at the Left and king Gyanendra’s despotic aspirations in the Right rose against them.

**The Character and Work of Nepali Civil Society**

The term “civil society” is currently used with abandon in social and political communication in Nepal. But this has not always been the case. Human rights activists and members of various professions like medicine, law, engineering, teaching and journalism made their contributions to political change in 1990 as well. But hardly anyone at the time noted the process as an example of the civil society in action. The concept -- by no means novel for the politically and socially literate sections of the population -- had not found its entry into Nepali media and social discourses. Yet with
the political change and the new constitution, it was inevitable that a change in the
perceptions about civil society and its role would also follow. The replacement of the
rigid and restrictive political order by a more open, democratic order was sure to create
space for greater civic action. And it did not take much time to recognise that such action
could usefully complement the agenda of the state and political parties for building a
democratic society. Individuals, professions and communities, too, were sure to find and
form organisations that would safeguard their rights and interests and keep a watch on the
policies and activities of the state even as they also floated ideas to assist the democratic
process.

The “evolving” civil society had some deficiences, perceived and real, against which it
had to defend itself. First, the civil society is identified largely with the “NGO sector”.
Since, 1990 in particular, there has been a tremendous growth in the number and
activities of NGOs not all of which were engaged in advocacy role associated with civil
society or social movements. Many of them were perceived or projected as being driven
by pecuniary rather than civil or social motives. It became easy for the forces of status
quo to blame the wheat for the chaff. The NGOs playing advocacy role for the defence
and promotion of human rights, social justice, equality and rule of law carried the
additional burden of proving their legitimacy and credibility in order to be socially
effective. Second, the activities of nearly all the NGO are externally supported in finance
and sometimes in ideas as well. This did not help the image and the cause of the
movement. The everyday refrain was that the NGOs are donor (or Dollar) driven. They
could be very, active, visible and legitimate in the eyes of their patrons and the clients.
But if the perception of the general public about their mission and the seriousness of their
stated goals is different, the powers that be ignore their work with impunity. Many good
suggestions coming from NGOs in the past in such fields as natural resource
management, gender equality, cultural and social rights of the people, political party
democratisation, electoral reforms, anti-corruption, and so on received only perfunctory
acknowledgement from the actors in the state and the political society. Third, in great
many instances the academia, media and the intellectual community in general were not
perceived to be free from the allegations levied at the NGOs. They too had become a
victim of “projectisation” of democracy and good governance, being sucked into the vicissitudes of the international aid modalities. When the legitimacy of the most important sets of citizens and groups of citizens who provide ideas and facilitate social communication is questioned for whatever reason, the likelihood of social movement gathering a momentum and producing expected outcomes also suffers. The fourth and, perhaps, most important deficiency is the impression, often supported by facts, that a large section of the civil society is politically partisan, that is it is affiliated with one political party or another. When this is so, the independence of civil society naturally comes into question. This applies to NGOs, professional associations such as teachers’ association, medical association, bar association, and obviously to trade unions as well.

Environment for Regime Change

When the leadership of the present Communist Party of Nepal (Maoist) broke away from its parent party and called for “peoples’ war” more than 10 years ago, it was a very small group with a future prospect that few people took seriously. It grew to be what it became today for several reasons. The chief reasons, as the conventional wisdom has it, are (a) complacency and disarray in the mainstream political camp, (b) inefficiency, corruption and the feudalistic culture in the top ranks of the state security forces, (d) continued social and cultural exploitation of people of specific ethnicity, region and castes, (e) growing unemployment and sense of apathy in the youth, and, as a result (f) availability of a large reservoir of youthful energy for recruitment. This all sounds plausible. But there is also an additional reason. The civil society failed too. If it did not have the deficiencies just described, it could have perhaps played an important role as an “honest broker” or a mediator between conflicting interests. More importantly, if there were effective social movements many of the social and political deficits just stated would not have assumed the scale they did.

The environment for regime change was created by two factors. In the end, the Maoists had to realise that their People’s War was not producing the result they wanted -- to capture the state. The violence and atrocities were depriving them of the popular support they might otherwise win by virtue of their progressive social agenda. Similar was the
condition facing the state. Increased size of the army and its budget helped to militarise the state to an extent, but the war was not winnable for the state either. Instead, the economy suffered badly, the business class began to show its impatience and, important sections of the donor community too wanted to see the concerned parties suing for peace sooner than later.

The time was getting ripe for talks, settlement, reconciliation and peace. But the king had other ideas, and this produced the second factor. The king thought that he could exploit the disenchantment of the people with the corrupt and non-performing political parties and “their” parliamentary rule. The violence, disorder, and economic plight of the people and their clamouring for peace “at any cost” could also go in his favour. The corruption and inefficiency of the political leadership and the violence of the civil war and the political implications of the Maoists running their writ in the rural areas were making significant development work impossible to undertake. The fatigue the international donor community had begun to express in words might have also led the king to miscalculate that the international community would support him even if he were to destroy the constitutional order. The king moved in three stages. First, in June 2002, he had the elected parliament dissolved. Second, in October 2002, after sacking the elected prime minister, he declared that he was assuming all executive powers of the state. And in February 2005, he took over the state by virtually dismantling the constitution, imposing emergency and issuing a series of draconian measures including the arrest of political and civil society leaders.

The king did not accept that the image of the monarchy had drastically fallen in the eyes of the people since the palace massacre of 2001. He did not realise that while the people were indeed disenchanted with political leadership, they were also not very happy with the self-serving monarchy (especially Gyanendra’s regime that was setting an example in “legalised loot”) that would not reconcile with and accept constitutional monarchy for good. The powerful actors in the international community did not want to see the king destroy the constitutional order and sideline the political parties. Many of them were wary of growing Maoist influence that the state army even under Gyanendra’s emergency
was proving incapable of containing. The sections of the population that had given Gyanendra the benefit of doubt in the hope that he might bring peace and stability through his own methods also lost faith in him gradually. The real icing on the cake that the king had baked for his self-destructing path was his obscurantist ideas, methods, and team of advisors who had no sense of reality or the time they were living in.

It is in this situation that the Maoists and the Seven Party Alliance (SPA) struck the deal in November 2004 that shifted the hope for peace from policies and activities in the king’s camp to the one that was fighting it. The reality of a regime that preferred oppression to peace and self-serving anachronism to social harmony and public welfare had been clear to human right activists and other civil society groups for some time. When the idea grasped the minds of a larger section of the population it set the stage for the April revolution.

**The Strategy and the Role of Citizens and Civic Groups in Janandolan II**

The rest in history, and many observers have already labelled it a successful revolution. The relevant question for the present discussion is how did the civil society come to do what it did, receiving the worldwide acclaim as seems to be the case until today. This question has added pertinence given the fact that as elsewhere the civil society in Nepal is not a monolithic agency. There are clearly intellectuals and civic groups that hold monarchy and its potential role in “national” development in esteem. Whether the proportion of such people in the civil society is dwindling or not, the larger section who thought the opposite won the day.

Broadly, the civil society actors who opposed Gyanendra’s regime played three roles. One was direct protest against the king’s draconian measures suppressing fundamental civil liberties and the imposition of emergency rule. Human Rights defenders made their contributions in this sphere from day one, that is February 1, 2005. A second group of actors did the same thing but in a more concretised form to suit their professional concerns and interests as well. Members of Nepal Bar Association protested against the king’s suspension of the rule of law. The media people including the Federation of
Journalists objected to the suppression of freedom of speech and censure of the press by the authorities including the Army. The university teachers wanted their academic freedom back, and so on. A third group of actors emerged later to work together with the above groups and collectively voice their concerns, and also to work towards a regime change altogether. This group called itself Citizens’ Movement for Democracy and Peace (CMDP) and was responsible for igniting the movement at a time when the general public was not in a mood to listen to the call of the SPA or participate in their programmes. After CMDP had some success in the programmes it launched in Kathmandu, “civil societies” cropped up all over the country. The mass meetings and rallies thus organized set the stage for the mobilisation that was observed in the 19 days of April Revolution. The 12-point understanding of November 2005 also made its contribution. The Maoist movement became a part of the peoples’ movement during this period.

The issue for the section of the civil society that wanted regime change was the quest for permanent peace, among other things. There was a concern from the beginning, the political parties might agree to a return to the status quo ante in the name of peace and reconciliation. The thinking in the civil society and indeed in a large section of the general public that such settlement would not bring sustainable peace. Among other things, such a step would leave the Maoists of the process which would mean continuation of continuation of conflicts and violence. A “regime change” would mean more than the restoration of the rule of law (that is, the constitutional order established in 1990). It would mean more than the restoration of fundamental rights. It would mean the creation of a new order. And it is the possibility of accomplishing such qualitative change that led the masses to do what they did in April. Not all civil society actors accepted this agenda, even as they fought Gyanendra’s regime tooth and nail.

Most people are tired of monarchy and its machinations. They want a Republic with values and institutions of liberal democracy. They want federal structure so that the socially, ethnically, and geographically diverse people may have their due share in political power and resources of the country and enjoy their benefits. They want
permanent peace and are eager to see the Maoists keep their words that they would give up arms, accept democratic process and compete peacefully with other political parties for selling their economic and social agenda to the people in a system that accepts pluralism.

Without the ordinary people and their political awareness and their sacrifices and contributions, there would be no talk of regime change today. The political parties would have probably compromised with the king much earlier or at least on April 21, when the king had made his “first” overture for reconciliation. The people did not allow them to do so. The same people are currently the insurance against mishaps that the country may face as it travels along the roadmap that is being charted in Kathmandu. The task of the civil society is to support these people.

As intellectuals, civic leaders and professionals members of the civil society have an additional responsibility now. The days of protests and demands for regime change will soon be over. The challenge then will be to put the “new regime” together. Free and fair elections to the Constituent Assembly have to be held for which all political parties including the Maoists will have to behave as expected of them in a democracy. The competing demands and aspirations have to be negotiated, accommodated and sanctified in the new constitution to be drafted. Above all, public institutions and policies need to be framed and executed in such a way that opportunities for individual and social advancement is available to every citizen without discrimination. Conflicts can then be prevented in future, and when they arise they can be settled peacefully and democratically. In all these activities the role of independent civil society agents and actors will be critical.
I should make it clear that I make a distinction between social movement and the struggle of the people for political freedom and democracy. Political struggle or movements are generally led by the political class and are aimed at accessing political power by one group of people by throwing out another that is a part of the existing regime. The objective of a political movement can thus be, though not necessarily, limited to change in political regime. The goal is to have a new constitutional order that may or may not give birth to conditions that is necessary for social change that would sustain the new political order. Social movements on the other hand are about facilitating change in important aspects of the social order – that gives meaning and substance to the change in the political order.

This experience is in stark contrast to that of neighbouring India where social movements rose even as the political struggle against the British Imperial Rule was only in its formative stage.