

Social Movement, Civil Society and Regime Change in Nepal

Devendra Raj Panday

This presentation seeks to highlight two important aspects of Nepal's experience with social movements and the ongoing struggle for social change. One, the general absence of a record of social movements in Nepal's history of political development stands in contrast to what happened in the country recently. I discuss how the political struggles in the past did not produce the expected social and economic outcomes, partly because the political struggle remained just that, not a part of a larger movement for social change.¹ Two, I discuss the nature and the scale of the movement in 2006 and relate its character to the challenges that lie ahead as the ongoing developments proceed towards their historic conclusion. The unique events of this year have generated some hope that Nepal and her people may indeed be ready now for the change the country needs badly. By change, one means the "all-round development" of the country its leaders have repeatedly promised but failed to deliver, making economic stagnation and social backwardness a regime-neutral feature of the country. Whether change will occur in reality depends on a number of things. One of them is whether the civil society including the general public will continue to play the positive role in future that it played during the movement opening the door for the political regime change. It will also test if the political movement of this year was qualitatively different from the ones in the past. Whether it was driven by a collective consciousness not only to end the excesses and injustices of the regime but also to end the possibility of regression at a later date is critical.

We have experienced in Nepal and elsewhere that it is one thing to have a change in the political regime through civic struggles and political movement. But it is quite another to have this change produce social and economic outcomes the promises of which lead people to reject the existing conditions and look for a regime that responds to their rights, needs and aspirations. Civil society has to see to it that the ongoing changes have their logical end not only in the transfer of political power but also in the creation of political,

social and cultural frameworks that help meet these challenges. What kind of relationship develops in future between the state, the political actors and the civil society becomes critical from this standpoint. Civil society is as an entity that is distinct from the state and it cannot be expected to shoulder responsibilities that belong to the political class. Its role is to make demands, provide inputs (information and recommendations for policy making) and if required protest so that the state is structured and enabled to function according to the mandate given to it by the people. As it does so, the civil society, too, can enable itself by usefully embracing the character of a conscious and collective force that has been generally absent in the past. Among other things, it can fill in the gaps in knowledge that the political society lacks and thus make public policymaking a more democratic, reasoned and people-centred process. Hopefully, it will not be difficult for civil society institutions and agents to possess and project an image distinct from the inevitably power-oriented activities of actors in the state domain and in politics surrounding it.

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 protests against the anti-democratic regime 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. The poor and socially oppressed people have learned to tolerate and suffer in silence unjust systems and atrocities heaped on them through ages. Political activists have made sacrifices at a personal level and the country has its share of martyrs who gave away their life in the process. However, demonstrations of collective consciousness inspired by shared historical experiences, and participation in a movement for commonly beneficial change in important aspects of social order are 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. Such 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 galvanise the people against the oppressive regime and become something like a social movement.

The events just stated occurred during the later part of the 104 year-old Rana regime, a hereditary oligarchy, that did not tolerate even the hint of a dissent. As the character of the regime would demand, there was no sign of any kind of civil society or civic activities even mildly contesting the state. There was no free press, no academic freedom and the proportion of people with reasonable education was miniscule. The few who were educated aspired to only one thing, government jobs and the privileges and the prestige that came from them. To be educated meant to be a public servant and thus socially voiceless. This condition applied to the teaching profession as well. The government ran the few schools and a college or two that existed at the time and the teachers and professors were all treated as civil servants and behave as one.

The despotic regime came to an end in 1951 as a result of a political movement that also enjoyed the benefit of some fractures in the ruling bloc. The “revolt”, as the establishment, including important sections in the democratic political camp had the people believe was led by none other than the monarch of the country who was therefore declared “the father of the nation”. The irony had a lasting impact on the possibility of social change in the country. The traditional forces including the feudal, predatory and rapacious relations surrounding them that had no interest in substantive change remained powerful while the new leaders gravitated around the monarch and monarchy. Inevitably a bit of “the old” would rub off on the new and the *dharma* of the state and its operators became the maintenance of status quo in the name of change. The so-called political change thus produced or legitimised could not inaugurate an era of social and economic transformation 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. Development assistance, technical and financial, that poured into the country did contribute to the limited development of infrastructure and some expansion of social services providing an access to education and health to a larger section of population than before. However, the composition, character and social priorities of the dominant classes did not change. The collective demand of the people for a new era based on shared experiences and beliefs and for systems that would be necessary to obtain sustainable outcomes was generally absent. Feudal relations in land and society at large remained in tact. Anachronistic and inhumane practices flowing from the Hindu caste hierarchy such as what is meted out to the so-called “untouchables” remained in tact, as did the subjugation of women and other historically oppressed groups of citizens. The people living in one part of the country (the Terai) felt ignored while other groups in the hills and the mountains also felt dominated because of their ethnicity. 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. Even in this 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. Potential activists in civic and professional domains looked for services and entitlements from the state rather than respect for their rights and demands.

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 social groups that ruled the country 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 could now be challenged. The “hegemony” of the “Aryan” culture and of the Nepali language in the diverse society at the cost of indigenous and other peoples of different ethnicity and geographic region 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 religiously pursued some of the issues. 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 long-neglected 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 absence of effective organisation of the people who could make demands for social change peacefully and deter extremist activism from any side made its contribution. For a long

time, even the politically aware people generally seemed to share the belief with the dominant political class that not only monarchy but also feudalism and other forms of obscurantism were compatible with democracy and development. In reality, such proposition could not be tenable.

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 some contribution to the 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. It was accepted at least theoretically that such action could usefully complement the agenda of the state and political parties for building a democratic society. Individuals, professionals 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 deficiencies, perceived and real, against which it has 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 civic 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 agenda and ideas as well. This situation did not help the image and the cause of the movement. The everyday refrain has been that the NGOs are donor (or Dollar) driven. Many of them are very active, visible and legitimate in the eyes of their patrons and clients. But if the perception of the general public about their missions and the seriousness of their stated goals are different, the powers that be can ignore their work with impunity. Many of their 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 the victim of “projectisation” of democracy and “good governance” (thanks or no thanks to “democracy assistance” by the donors), being sucked into the contradictions and vicissitudes of the international aid system and 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 socially beneficial 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” about twelve years ago, it was a very small group with a future prospect that few people took seriously. Driven by the defunct ideology of class war, it grew to be what it became today nearly by default. The chief

reasons for its rise, 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 had also failed, in effect, to adequately expose the socio-economic reality of the country by articulating and making itself heard by the mainstream political forces. It also failed to engage the Maoists and to convince them that violent struggle could not be a substitute for an absence of social consciousness that plagued the society and its leaders. If the civil society did not have the deficiencies just described, it could perhaps have played the critical role of an “honest broker” or a mediator between conflicting interests. Likewise, if there were effective social movements that cared for meaningful change many of the social and political deficits just stated would not have assumed the scale they did.

The environment for the ultimate regime change in 2006 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 -- capturing the state by violent means. The growing violence matched by the atrocities of the security forces were depriving them of the popular support they might otherwise have won by virtue of their progressive social agenda. On the state side, increased size of the army and its budget helped to militarise the state to an extent, but the war was not winnable for it 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 and deeds 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 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.

Again, it does not behove well for the image of the civil society and its accomplishments that 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. The free press, both electronic and print was very active. One could observe constant chattering by the intellectuals and political commentators about the country and its problems and potentials as observed in television screens every evening and newspaper op-eds every morning, But the king did not feel constrained to consider 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"). He could not imagine that the people who had accepted monarchy for 237 years would not reconcile with and accept his version of "21st century monarchy" for good.

The powerful actors in the international community, too, were not fully in tune with the unfolding situation. They could not realise that if twelve years or so of democracy had failed to deliver material goods and services to the people, it had served to raise the awareness of the general public to a height not experienced before. They were misguided also because many of them had "their own civil society" to engage and trust – the high-priced consultants, NGOs and media persons with likeable political and social persuasions. That in a situation of clear conflict of interest full and accurate information

would not come their way escaped their minds. Given the class character of “the Kathmandu society” and the civil society stalwarts it groomed, monarchy remained an important pillar of social order in the country for many donors and diplomats who routinely interacted with this class. It is true that they did not want to see the king destroy the constitutional order and sideline the political parties. But they gave Gyanendra enough reason to fantasize about his “inevitable” victory until the very last hours. Gyanendra lost in the end because among Nepal’s development partners, many were also wary of growing Maoist influence that the state army even under emergency and authoritarian rule 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. The amazing group of people trying to make a case in the media for the king and his regime everyday had no sense of reality or of the times they were living in.

It is in these conditions that the Maoists and the Seven Party Alliance (SPA) struck the deal in November 2005 that shifted the hope for peace as outcomes of policies and activities in the king’s camp to the one that was fighting it. A unique situation was created when the Maoists who had been fighting a violent war for 10 years agreed to enter the political process peacefully and work with the SPA for removing Gyanendra’s regime and instituting a constituent assembly that would draft and launch a new constitution. The civil society welcomed it as it also got infused with added energy and determination to fight for democracy and enduring peace. The same was true for the all-important and larger public. The reality of a regime that preferred oppression to peace and the 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 is 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 stated, the civil society had not been effective, first, in controlling the perversion of democracy and, second, in disabling monarchy to prevent Gyanendra from doing anything like he did. Besides, as elsewhere, civil society in Nepal is not a monolithic agency. There are clearly intellectuals and civic groups, not to mention the feudal, aristocratic elements and the newly rich groups in the society that hold monarchy and its potential role in “national” development in esteem even now. The good thing was that 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 different roles. One was the 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. The officials and 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 the 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 achieved 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. As stated, the understanding of November

2005 between the Maoists and the SPA also made its contribution. The Maoist movement became a part of the peoples' movement during this period.

The principal issue for the section of the civil society like CMDP leadership that wanted regime change was the quest for permanent peace, among other things. There was a concern from the beginning that the political parties might agree to a return to the status quo ante, keeping monarchy and its dubious role in tact in the name of peace and reconciliation. The thinking in the civil society and indeed in a large section of the general public was that such settlement would not bring sustainable peace. Among other things, such a step would leave the Maoists out of the process, which would mean continuation of conflicts and violence. To CMDP and many others, 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 that opens the door for building a new Nepal – by instituting development strategies and social policies that the forces of status quo either defeated or perverted in the past. It is the possibility of accomplishing such qualitative change that inspired and led the masses to do what they did in April. It is necessary to note that 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. There is a growing demand for a Republic that also embraces values and institutions of liberal democracy. There is a demand for a federal government in lieu of the traditional unitary structure so that the socially, ethnically, and geographically diverse people may have their due share in political power and resources of the country. Monarchy is seen not only as the custodian of feudal-aristocratic-military complex but also a political factor responsible for centralisation of power in Kathmandu, the capital city. The people see these changes as a necessary condition for permanent peace. But they are also eager to see that the Maoists keep their words that they would give up arms and accept democratic process to sell their ideas to the people. If the Maoists compete peacefully with other political parties for advancing their own economic and social agenda to the people in a system that accepts

pluralism that should do good for developing alternative visions for change that is badly needed in the country. This would also be the consummation of the general aspirations for regime change in the true and full sense of the term and in a manner that is relevant also to the poor. The excluded and other socially, historically and geographically disadvantaged groups of people in the country would then also be the part of democracy.

Without the ordinary people and their political awareness and their sacrifices and contributions, there would be no serious 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. After all the demand of all the major parties in the SPA has been the reinstatement of the parliament and activation of the 1990 constitution, not “regime change”. The movement driven by the rising consciousness of the people and their understanding of the social and historical reasons for their ordeal made the quest of larger goals possible. The political parties were forced to transform their agenda of the restoration of status quo ante into regime change. It is this consciousness and the determination of the “ordinary people” supported by civil society agents and institutions that should be an insurance against mishaps that the country may face as it travels along the roadmap, which is being charted in Kathmandu.

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 and make it work according to its design capacity and potential. The most critical point will be the elections to the Constituent Assembly and the preparations to be made for the event. The elections have to be fair and free of any intimidation. The political parties including the Maoists have a responsibility to go to the people not only for their votes but also to educate and interact with them about the “new Nepal” and the responsible and effective ways to go about building it. The competing demands and aspirations have to be negotiated, accommodated and sanctified in the new constitution to be drafted. In the process, everyone, the political parties, the civil society and the common citizens will learn that democracy is not merely about structures and the functions that we expect to

flow from them. It is also about the culture we wish to develop and nurture to provide the “body” of democracy with the “soul” it needs.

Dealing with people’s aspirations for inclusion, identity, representation, participation and recognition is what democratic systems are all about. To have a state and institutions where women and other historically and socially subjugated groups occupy equal space and rights with other citizens is critical to a democratic system. Similarly, it should be a matter of glory if the people are determined to have a system where people of all religion, region or ethnicity can claim equal access to rights and resources of the nation. However, the means to go about realising some of these aspirations can be tricky or even treacherous. For example, some social and ethnic groups feel that their aspirations can be met only with the creation of ethnically based autonomous states within the federal structure of the country. While attractive to a section of the political class, not to mention the groups who seek redress against past injustices, it is difficult to imagine how an ethnically based federal structure can be designed and implemented in practice. How do we go about reversing past injustices, address the structural factors responsible for social and economic inequalities and develop education and health systems so that no one is denied access to them will be other critical issues. However, not every issue can be or need to be addressed directly by the Constituent Assembly process. The important thing is that the framework that is created must ensure that it does not become a hurdle to designing and implementing socially appropriate and economically justifiable policies at an appropriate date later. For example, whatever the foundational basis of the federal structure, the issue of language must be addressed and everyone has to be sensitive about the right of every child to be educated in one’s mother tongue. The democratic and forward-looking sections of the civil society must address these issues more concretely and suggest optimal policies and institutional mechanisms that can produce expected outcomes.

Let me conclude by saying that whether the people’s uprising and ensuing events and processes observed this year were indeed an example of unprecedented social movement in the country will be tested in the coming months. If the change of April 2006 was

indeed driven by a collective consciousness of the people who rose against the king and for peace with the Maoists, the same people have a responsibility of leading the ongoing changes to their logical end. They can do so by bringing this consciousness to bear once again on the political process as the people of Nepal as a whole consensually forge a regime that is politically democratic, socially functional and historically more productive than in the past. If every successful movement leaves the disagreeable past behind, it also has to ensure a workable and agreeable framework for the future. The political leaders are the principal actors in the process. But experience tells us that they behave only when they observe and understand that the people are watching them with concern and interest as they did the despotic regime. The awareness and activism at the people's level should also help bring the changes that is necessary within the political parties – in their leadership, in their internal accountability structures and in their policies. The work of the political parties and their leadership must be guided by the same experiences of history that drove the people to express their anger and hope. If the people of Nepal have now understood the value of social movements that they did not before they will ensure that the institutions and policies generated secure the nation's future and their own future within it.

¹ 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.

² 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.