Preparing for another transition?

Interview with Daman Nath Dhungana

Daman Nath Dhungana became involved in the struggle for the restoration of democracy as a student leader immediately after the royal takeover of 1960. He is a lawyer by training who was a member of the constitution drafting committee in 1990. Elected to parliament on a Nepali Congress ticket, he was the Speaker of the first House of Representatives elected under the 1990 Constitution. He was deeply involved in facilitating peace talks between the government and the Maoists in 2001 and 2003, including advocating for a constituent assembly, and has been involved in different aspects of the peace process and political transition since 2006. He currently heads the peacebuilding organisation, Nepal Transition to Peace Institute.

On the 'People's War'

Nepal has seen change at regular intervals, but before the change matures something else happens. We established order in the country in 1990 and set up a parliament with the king. That was the outcome of a people’s movement. We agreed on a constitution with the participation of both the Nepali Congress [NC] and the communists, which was the mandate of the movement. But within a few years the Maoists raised arms against it. Their action was premature. After every change there are high expectations. If the parliamentary government of the time had not been able to meet those expectations, the parties would have been censured, but there was no need to call for a repeal of the constitution and get rid of the system itself. The unnecessary move by the Maoists also encouraged the palace to step in against democracy.

Some say there may have been some gains from the war: the country has become a republic; others say a progressive agenda has been introduced. We cannot ignore that. But, the question remains if it was necessary for so many deaths to take place.

On the political transition

The agenda of the NC and the UML [Communist Party of Nepal–Unified Marxist-Leninist] was to restore the 1990 constitution. The Maoists were for throwing out the monarchy. The situation was such that the parliamentary forces yielded to the Maoists. The achievements of the peace process have been three: first, the disarmament of the Maoists and the softening of their political doctrine; second, the end of the monarchy, which at times has not been compatible with democracy in our context; and third, the adoption of a constitution through a constituent assembly.

But the peace process was supposed to be more than that. It was also meant to heal the wounds of war, but neither have gross violators of human rights been brought to book, nor have victims and the dear ones of those disappeared been duly served through instruments of restorative justice such as the TRC [Truth and Reconciliation Commission] and the CIEDP [Commission of Investigation on Enforced Disappeared Persons]. Nor have we given much thought to the former combatants. These fighters are skilled in the use of arms, but we have done little to help them resume normal life. They are equally dissatisfied.

For years, we got entangled in a worthless debate on the integration of the Maoist fighters into the national army. If the fear was that such a trained force could become a source of instability, we did not consider if they could be disciplined by bringing them into the national army. The Maoists wanted all their fighters to join the army, which the other political parties were against. They could have formed a separate unit to be used in natural disasters and so on. Now, they are scattered all over
society and can become instruments of force at any time – not that I doubt their intentions.

**On the transformation of the state**

Our CPA [Comprehensive Peace Accord] has remained idle. It talks about social transformation such as land reforms and the restructuring of the state. Just because the Maoists raised the issue does not mean it is wrong. We are a diverse society. Every group should have a chance to participate, have a sense of belonging, that the state is theirs. But the political parties, driven by nothing more than hunger for power, are not interested in that. The Maoists have carried that agenda but that’s all they’ve done. They continue to compromise and that is because nothing from the Maoist agenda was internalised in the real sense by the Nepali Congress and the UML, both of which simply accepted the Maoist demands for the sake of accepting.

In the first CA [Constituent Assembly], the Maoists were so dominant that they could have created an environment for other parties to more easily accept their agenda. If they failed, they could have gone to the people, who had given them such a big mandate. The dominant force, the one that brings the change, shapes the constitution. Just as in 1990, when the king had to stay within the bounds we had set him, a similar opportunity had been given to the Maoists in the 2008 CA. But, the Maoists could not push forward with their agenda not only because the other parties opposed it, but because the ruling clique of the Khas Arya – in the new terminology – which is present even in the Maoist party, has not been ready to transfer power.

The state has to give power to the people to bring all communities together. If our model of federalism is not right, we should have a roundtable to discuss what kind of model is best. I often told [Maoist leader] Prachanda that even if they continued to compromise on their agenda, we would not give it up. I told him, you have a party to run, you need to go back to power. I am an individual. I don’t have to compromise with anyone.

**On the new constitution**

The highest expression of the popular mandate is the constitution. But the 2015 constitution has led to unrest in the Tarai [southern plains], which has now has shifted to the hills. An amendment has been introduced and one side calls it treason, the other says it’s essential. With all this, there is no sign that we will be able to deliver on the change we had promised the people. No restructuring, no progressive reforms in the interests of the poor and the marginalised, no democratisation of the state. If there is any way to respect all the sacrifice people had to bear because of the Maoist conflict, it is in pushing that agenda. When that agenda was agreed upon, everyone signed up.

Now, no one wants to own it, even though that was the promise made to the people.

No one in any of the parties, not even Prachanda, is prepared to implement this constitution in the sense that they are not ready to take on the ones who are opposed to these changes. For instance, the bureaucracy, the army, the police are all controlled by the same Khas Arya clique. These strong interest groups or institutions of the state are more influential than the people’s representatives. No one can intervene forcefully in these established interests. And, even if the leaders have internalised these changes, they cannot stand firm. All our political leaders can do is issue directives but there is no way to ensure that those directives are followed.

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There are indications that no one in the state agencies, the bureaucracy, the army, academia, even the media, has whole-heartedly accepted the salient features of the constitution such as federalism and secularism. In an open society, everyone has the right to voice their opinion. But, in our context, is that freedom or anarchy? For instance, someone who is against federalism is made Deputy Prime Minister under a new constitution that has federalised the state.

**On the political leadership**

Change has to be communicated to the people. It cannot be imposed from above. The acid test of any peace process lies in whether the dividends of peace actually reach the people. In the new constitution, secularism was brought by the four parties; federalism was brought by the four parties. They cannot give up such changes either, and any attempt at dropping the fundamental features of the constitution will lead to more conflict. It’s almost as if we have to begin preparing for another transition. We don’t know what shape that transition will take. We might not see much violence but social unrest will certainly follow, leading the nation into a state of perpetual conflict and instability.

Our politics is not guided by knowledge, in the sense of knowing the people’s or the nation’s larger interests, but
rather by expediency. Each leader will do whatever works at that moment, whatever helps the party or himself and his followers. Even mistakes will be forgiven by the people if a leader can demonstrate selflessness. Change alone is not enough, you need leaders who can guide that change using their knowledge, intellect, conscience, principles and morals. To truly get such leadership within the liberal democratic framework is the real challenge of the day. Also to manage the concerns of our two large neighbours [China and India] while also gaining their trust enough to bring them on our side on matters of national interest. Unless the new generation of leaders is able to internalise these qualities, it will be difficult for them to meet the many challenges of nation-building.