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Socio-economic and Political Justice in Nepal

A Civil Society Perspective

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1. Background

The socio-economic and political injustice in Nepal has given rise to the unequal social relationships along the lines of class, caste, gender, ethnicity, religious and regional disparities and ever widening the gap between the rich and poor. The striking features of under-development in Nepal - rampant poverty, unequal distribution of resources and opportunities, social injustice, exploitation, and discrimination - have persisted for decades. Nepal is an agricultural country, with more than 80% of the total population depending on agriculture. Since the vast majority of Nepalese people are peasants and own means of production such as land, farm animals and farm implements, present forms of production relation are important in understanding class relations and the political economy of Nepal. The political economy exemplifies the social movements in interconnection with the economic forms of class relations with the state, which is a vital force in reproducing economic and wider inequality. The characteristics of Nepalese agrarian production relations can be broadly described as peasant, semi-feudal and capitalist forms of production. (Karki 2002). Semi-feudal relations still play a significant role in the underdevelopment of Nepalese agriculture and economy of the country as whole. In Nepalese agrarian relations, tenants who make up 40-50 % of population in Tarai (FAO 1998) are forced to till larger landowners' land and the surplus is not accumulated and re-invested as capitalist profit. They work for bare subsistence family needs, where their tenancy right is insecure. In most Nepalese villages, poor peasants and landless people and other forms of rural proletariat are tied to landowners (including middle and rich peasants) through various forms of rural labour relationship such as *Kamaiyas*, *Haliyas*, *Haruwas*, *Halis* and *Bali/Bista*. In Nepal, almost the entire upper level leadership of all the political parties, including Communists, is dominated for the most part by landed class who thus also control the bureaucracy (Mikesel, 1999 cited in Karki 2002). These landed gentry of Nepal not only controls the politics and bureaucracy but are also the owners of industries such as hotel, tourism, carpets, garments and other trade.

The semi-feudal and semi-colonial nature of exploitation and oppression in Nepalese society has been hindering the progress and prosperity of the people and the country. Therefore, it can be said that there is a structural contradiction between the well-being of the general masses of people and feudalism and comprador capitalism is dominating social dynamics in Nepal. The present crisis-ridden conditions in Nepal can be understood as the development of contradictions between the exploitation and oppression of the people by the state machinery under the control of feudal, comprador and bureaucratic capitalist classes and the continued movement from below (Karki 2005).

In the people's democratic movement of 1990 called the *Jana Andolan I*, the Nepali people rose up to end such social-political and economic injustices and to defend their due democratic rights and were successful. However, subsequent governments failed in, particularly, addressing the economic, social, cultural (ESC) rights and the Right to Development. For far too long, the state was being characterized by a highly centralized bureaucracy that inhibits growth outside of Kathmandu (Aditya, Uprety and Adhikary 2006). Six years later, the Maoist insurgency mobilised the unaddressed frustration and anger of the populace remaining on the periphery of the state's exclusionary policies and consideration. Hence, it can be said that one of the main causes of the conflict was rooted in the socio-economic and cultural inequalities that resulted from the state's failure to address the issue of systematic exclusion, rampant poverty and injustice along

the lines of class, caste, gender, ethnicity, religion and regional disparities in the country (Karki and Bhattarai, 2004).

Throughout the modern history of Nepal, the people have struggled in various ways against poverty, under-development, inequality, injustice and for democracy in their search for a dignified life. They struggled for a century against Rana autocracy (from 1846 to 1950), for a decade against the inadequacies of the so-called multiparty system (from 1950 to 1959), for three decades against the partyless Panchayat system (from 1960 to 1990) and then, again for a decade under the combination of a defective practice of multiparty system and 'constitutional' monarchy (Karki and Seddon 2003). The most recent struggle (2006) was to over-throw the autocratic monarchy and establish democratic republic in the country in the hope to attain social economic and political justice and initiate process of inclusion and state re structuring. However, despite of political changes that occurred in 1951, 1960, 1979, 1990 and 2006, the form of the state has remained fundamentally the same. Even after the recent establishment of democracy (*loktastra*), which ended a decade long conflict between the Maoist and the State, the interests' authority and suppression of the landed gentry and political elites of Nepal have remained fundamentally the same.

Nepal's decade-long violent conflict had exacted a heavy toll on the civilian population with more than 14,000 killed and thousands displaced, mainly from rural and remote areas of Nepal. Thousands migrated to city centers within Nepal and to neighbouring India and other countries in search of safe life and better livelihood. More than 85 per cent of the real estate of the country was under the control of CPN (Maoist) rebels. The enormity of damage of infrastructures on which the livelihood of millions of rural populace depends is a heavy price paid by an already least developed country. Destruction of rural roads, culverts and bridges, farmer managed irrigation facilities, village health posts, community school buildings, community centers, government offices, hydro power stations, telephone transmission lines and the likes were everyday phenomena during the conflict. Many people have lost their loved ones; their livelihoods are in jeopardy and are still in a state of trauma. The conflict made Nepal an economically poorer, politically divided, socially fragmented and militarily painful. The decade long conflict between the Government and the Maoists, took its toll on all, but hit hardest on the poorest people entrapped in poverty. However, it culminated with an uprising by the people of Nepal for human rights, justice and democracy in April 2006 (RRN 2007).

Today, the newly installed government of Nepal that came about after the overthrow of the autocratic royal regime in April 2006, with the Jana Andolan II, faces the challenge of paying heed to past mistakes and addressing head-on the need for social, economic and political injustices. The political progress achieved so far has made all Nepalese expectations rise to a new level. Millions of people, especially, the poor, excluded and victims of the decade long conflict are now waiting for the 'peace dividend' expected through the success of the Jana Andolan II. For them the socio-economic and political justice will be the ultimate fruit earned after massive sacrifices made during the democratic movement. However, now the recent political change is slowly beginning to be seen by the more marginalized strata as a failure to achieve socio-economic and political justice. The rural masses and particularly for 13,000 individuals who lost their lives and the millions who suffered during the decade old conflict, this new form of government may not hold the mandate enough to forgive and to forget. Transitional justice could be the mechanisms to deal with past atrocities in societies emerging from armed conflict or authoritarian regimes as one method for victims to find justice. Currently there have been talks going on about the establishment of truth and reconciliation commission in Nepal. But looking at the

reality, their implementation can be challenging. Many of such challenges revolve around the timing, strategy used, political relations, and culture of impunity. Careful consideration must be taken in developing strategies that will fit the Nepali context instead of copying in toto from other countries' experiences. This brief note intends to explore the links between the political economy of the Nepali state and the urgent need of peace building from below as the means for socio-economic and political justice in political transition in Nepal.

2. Transitional Justice in Nepalese context

Transitional justice generally refers to the steps taken by the state to address past human rights wrong and includes both judicial and non-judicial approaches. This provides an avenue and opportunity to facilitate the transition for authoritarian, dictatorial regime from civil conflicts to a more democratic or peaceful future.

In Nepal, it may mean two aspects – one, justice is meted out to the state and non-state perpetrators and oppressor for their role in killing, disappearances and abduction and violent suppression of people at large during the people's movement for genuine democracy and overthrow of autocratic royal regime. On the other hand, it also means addressing the genuine aspirations of the people expressed during their struggle which included overthrow of royal regime permanently, and establishment of genuine democracy (*loktantra*), provision of inclusion of excluded strata of the society and state restructuring for more devolution of power to the so far excluded class, caste, region, language and religion. It is expected that the re-structured society would provide socio-economic and cultural opportunities for enhancing livelihood and dignified lives for all the exploited, excluded poor people in the country.

However, so far in Nepal the government has failed in both the counts. There is rampant impunity and the perpetrators or criminals have been held accountable for their excesses and crimes against the Nepalese people. These criminals have been rather been awarded and re-awarded with complete and gross humiliation of the victims and their families. The government also has not been honestly initiated steps either in state statues or other documents of national level. The mere provision of including 33% women in all state bodies, re-alignment of electoral regions or inclusion of Dalits, Janajatis by the legislative parliament and the government has been done half-heartedly and without commitment under the intense pressure of the Madhesi, ethnic minorities and dalits.

3. Managing Political Transition and Peace Process

The people's struggle for democracy (*Jana Andolan II*) brought together a unique confluence of actors which fundamentally changed the political dynamics in Nepal. After overcoming their history of factionalism and entering into alliance with the Maoist armed movement that they had bitterly fought for a decade, the seven parties were accepted as leaders of a social movement against the authoritarian power of the monarch. The movement, therefore, combined the restoration of an established political elite through the rise to power of the parties; regime change through deposition of the monarchy and a degree of political accommodation with the rebels party through an agreement with the Maoists (IISE 2007). Since then several positive developments and encouraging initiatives are being pursued in

the general political environment of the country towards building a “new” Nepal. The adoption of Interim Constitution that paved way for the formation of Interim Parliament and Interim Government involving CPN (M) are some of the achievements of political significance at the central level.

The centrally achieved progress has made all Nepalese expectations rise to a new level. Millions of people, especially, the poor, excluded and victims of the decade long conflict took active part in the struggle against the royal regime. The ordinary people were the ones who came out on the streets all over Nepal, defying the shoot-at-site curfew orders imposed by the autocratic royal regime and were ready to sacrifice their own lives in the hope that the ensuing new democracy would be able to address their basic livelihood needs and thus, bring lasting peace, social justice and democracy in the country. The peace agreement between the Maoist and the government at the central level has also sparked hopes amongst the displaced people in the rural areas. They are now returning to their own community with expectations that the newly established people’s government will ensure them of socio-economic and political justice, which is the attainment of right to an adequate standard of living including adequate food, clothing, housing, the right to the enjoyment of the highest attainable standard of physical and mental health, the right to education, the right to work, protection against unemployment amongst other basic necessities for a decent living (Karki 2007a).

4. Major Challenges

Rather than attaining to the hopes and expectations of the masses, the whole focus of the peace process now is focused on Constituent Assembly election and management of the rebels, arms and army. The focus should also have been on the human dimension in the whole process rather than the top-down approach which is only focused on managing the Kathmandu centric technical quick fix. Human security and livelihood in rural areas should have been given top priority instead of military security. The fact remains that the people are still going through continuous subjugation, exploitation, exclusion and frustration as if continuing the legacy of hundreds of years of the past. In this context, the settlement of arms and taking over the state power by the SPA and the Maoists may not bring “Real Peace to the People”. The Maoists also seem to have failed to respect the sacrifices of the people that they used in mobilizing at the outset of the People’s War and also seem to be losing grip on the political confidence and ownership of the *Jana Andolan II*.

Right – to – Development, as a human right (CDHR 2003) of majority of the poor and excluded people has been totally ignored. The whole “peace” process now has become “Kathmandu-centric”, top-down and dominated by political elites based in Kathmandu. There have been no sincere efforts till now to share the “peace dividend” to people living in war torn rural and remote Nepal. As a result there seems to be mass frustrations amongst Dalits, tribals, ethnic minorities, youths and other traditionally marginalised communities in conflict affected Nepal, as there are no telltale signs of improvement, which they desperately aspired for. The current state structure still creates and perpetuates injustice, inequity, exclusion and exploitation. The autocratic royal bureaucracy still dominates and continuity of the old system and mindset is overwhelming. Therefore, restructuring of the whole state including the security, bureaucracy, and the politics is a must for inclusion of the poor and excluded masses belonging to different class, castes, gender, ethnicity and region. Without radical

restructuring of the state, a lasting democratic peace still remains a wishful dream (RRN 2007b).

The meaning of "peace and democracy" to people in Kathmandu and rural Nepal is different. The Kathmandu is more concerned about who is going to be the Prime Minister, ministers, and members of parliament. But the meaning of peace and democracy to people in rural Nepal is related to food security, health, education, infrastructures and secured livelihood opportunities. The rural and remote part of the country is now feeling a sense of neglect by Kathmandu (Karki 2007a). A simple question that we need to analyse is - what does peace mean to the rural masses? Is it the agreement reached between political elites in Kathmandu or does it mean the assurance of economic, social and cultural justice that have been systematically deprived to those helpless millions of Nepalese? Democracy, peace and justice for the poor would mean having not to go to bed at night on an empty stomach, having health or education facilities for their children, having secured livelihood, a roof to live under and basic needs to be met for them and their family.

Expecting a peace dividend that has not materialized for more than a year, the Nepalese people now exist within an environment of increasing insecurity and economic stagnation. This has been posed as a challenge for transitional justice and development in Nepal. Insisting on a democratic political order, some individuals and groups now feel that the only way to make their demands heard by the political elite is to use violence. In absence of fulfillment of their aforesaid basic needs, localised uprisings in different forms are taking place in the country, challenging the parties in the government and the parliament (RRN 2007b). These are reactions by the ordinary masses of people, surfaced in the form of mass frustration. Several splinter-armed groups in various names have now emerged in many parts of the country leading to violent conflicts. For example, Madhesi People's Rights Forum (MPRF), Tarai Janatantrik Mukti Morcha (Jwala Singh), Tarai Janatantrik Mukti Morcha (Goit), Nepal Defence Army, Tarai Tiger, Madhesi Tigers and Tarai Cobra Group have proliferated and more such groups seem to be in the offing. Their daily activities of abductions, extortions and skirmishes have been pushing Nepal into a more vulnerable situation and it is going to be a big threat for newly established fledgling democracy and political stability in the country. As evidenced in the UN-OCHA report, there have been proliferations of different ethnic and political groups by sections of Nepalese society who felt that the Interim Constitution, Interim Parliament and Interim Government did not address their varying caste and regional interests adequately. The OCHA office managed to track 20 such dissatisfied groups. In addition to the above mentioned violent groups, other groups raising their demands in more peaceful way (but could turn violent due to delayed responses and mis-handling by the state) include, Tamang Autonomous Region Democratic Front, Nepal Federation of Indigenous Nationalities Nepalese (NEFIN), Federal Democratic Republic Joint Struggle Committee, Tharu Kalyankarini Sava (Tharu Welfare Assembly), Lokatantrik Madhesi Morcha and Federal Republican Forum (OCHA 2007).

It has been observed that most of the newly emerged armed groups are exploiting the frustrated expectations of the masses (mainly youths), which may lead to more disappointments and greater unrest in the country in future. The plight of the rural citizens made worse by the taxing conflict remains a ground reality. Hoping for a virtuous cycle of state restructuring and inclusion, many Nepalese sense that the country may become caught in the complete opposite - a vicious downward spiral of insecurity, distrust, corruption, disorder and uncertainty.

5. Lessons learnt

Nepal has suffered not only from violent conflict, but also from a structural violence of pervasive marginalization of ethnic groups, so called lower castes, and women and people suffering from regional disparity. And then, for centuries the institution of monarchy has wielded unlimited power at the expense of the rights and freedom of ordinary citizens. These concerns and how to address them have not been discussed or considered in such a way that will be inclusive of all Nepalese. Without resolving these issues there is a serious danger that Nepal will relapse into another conflict with a greater impact.

In this context, it is urgent that both peace building from “above” and “below” have to go parallel to each other if we are to achieve political stabilisation, lasting peace and justice in the country at political transition. In addition, there is a need of an increased level of awareness and sensitization of marginalized, disadvantaged and excluded people, community and other concerned stakeholders on their right to development and contribution towards peace building from below. Their views need to be explored and addressed on Constituent Assembly, inclusion and restructuring of the state.

The actual major challenge confronting us now is the huge task of Reconstruction, Rehabilitation and Reconciliation. This is the real challenge not only for institutionalizing democracy and peace building from below but also for addressing the economic, social and cultural issues brought forth by the raging decade-long conflict that amounted to countless deaths, displacement and destruction. There is a strong need to rebuild not only physical infrastructure but also social capital - social relationships, social fabric and mutual trust - towards rehabilitating relationships amongst the conflicting sides.

Reconstruction and rehabilitation of rural school facilities, health posts, drinking water and irrigation facilities, rural roads and bridges, public offices, community centers, communications and rural electrification systems are crucial for the socio-economic development of the poor and marginalized people. There is also a need to encourage owning the reconstruction process by the conflicting sides as that would lead to building up of mutual confidence amongst all stakeholders, specially the conflicting parties. This is expected to lead lasting peace and harmony in the society with torn relationships so far. As the government seems indulged in macro level issues, the civil society and the local government bodies should play an instrumental role at the grassroots to address the livelihood issues through active participation of those very people whose interests are at stake at the moment.

The teeming numbers of the internally displaced and ex-combatants see no luring ways and opportunities to return home. The necessities such as food, clothing, shelter, education and health services need to be delivered urgently with a long term focus on sustainable livelihoods. Income generating activities; vocational skills; employment opportunities and promotion of micro-finance specifically targeting the youth would aid in economically rehabilitating the conflict-affected people. Agriculture being predominant occupation in rural Nepal, a genuine land and agrarian reform, the practical problems related to reclamation of abandoned lands, and basic resource distribution, provision of farming inputs and overall empowerment of the affected communities are some of the necessary provisions to be undertaken without any further delay for the process of rehabilitation in the country. This will slowly but surely build up the mutual confidence, establishing necessary coordination and linkages amongst all the stakeholders and specially the conflicting parties through mapping of communities under poverty, ethnicity and conflict and working together in the development projects of mutual benefit. Thus, it has posed a daunting task ahead of the nation for undertaking large scale

rural rehabilitation, reconstruction and reconciliation programmes as the whole country is moving towards reinstating lasting peace, justice and democracy in the society. This is particularly urgent in rural settlements where violent struggles were initiated, intensified and experienced more sufferings (Karki 2007a).

On one hand, without the methods of reconciliation, the social fabric will be strained and will become a breeding ground for future conflicts. A system must be developed not only to establish truth, but provide some form of justice for victims. With the judicial system in shambles a truth and reconciliation commission may provide one outlet for justice and reconciliation. On the other hand, if the aspirations of the masses on the achievement of the social, economic and political justice are not fulfilled in time, then those seeking to derail the peace process will be able to capitalize on the current frustrated aspirations of the people at large. Failure to tactfully manage the grassroots dynamics can squander indigenous social capital and even contribute to the reappearance of yet another conflict. There is an imminent danger of the emergence of a civil war in Nepal, if the 'wrongs' are not addressed at the earliest!

6. References:

- Aditya A., Uprety, B. R. and Adhikary P. K. (2006). Countries in Conflict and Processing of peace: Lessons for Nepal. Friends for Peace, Kathmandu
- CDHR (2003). The Right to Development: A Primer, Centre for Development and Human Rights, New Delhi
- IISE (2007). Nepal: The emerging order: April 2007, The institute for State Effectiveness, Afghanistan
- FAO (1998). Country Strategy Outline – Nepal. 12-15 May 1998. Rome
- Karki A. and Bhattarai B. (2004). Whose War? Economic and socio-cultural Impacts of Nepal's Maoists-government conflict, NGO Federation of Nepal, Kathmandu
- Karki A. and Seddon D. (2003). The People's War in Nepal – Left Perspective, pg. 438-439, Adroit Publishers, New Delhi
- Karki A. (2006 a). Social Exclusion and Role of NGOs in Nepal, Unpublished paper, Rural Reconstruction Nepal, Kathmandu
- Karki A. (2006b). Poverty precondition for peace building, Unpublished paper, South Asia Alliance for Poverty Eradication, Mumbai
- Karki A. (2007a). Reconstruction, Rehabilitation and Reconciliation: Civil Society Perspective of Conflict Transformation in Nepal, Draft discussion paper presented at Development Dilemmas: Challenges of Working in Conflicts and Post Conflict Situations in South Asia, London. Organized by DFID, UK
- RRN (2007a). Reconstruction, Rehabilitation and Reconciliation in Nepal, Unpublished paper, Kathmandu
- RRN (2007b). Peace building from below, Unpublished document, Rural Reconstruction Nepal, Kathmandu
- OCHA (2007). United Nations Office for the Coordination of Humanitarian Affairs, Nepal Situation Overview, April 2007, Kathmandu