

Asia Rising Podcast – Jasmine - Nepal

Professor Nick Bisley

Welcome to Asia Rising, a podcast of La Trobe Asia where we examine the news events and general happenings of Asia's states and societies. I'm your host Nick Bisley, Executive Director of La Trobe Asia and joining me today is Dr Jasmine Westendorf, Senior Lecturer in International Relations here at La Trobe University. We're going to talk about events in Nepal and particularly in the ways of the recent human tragedy of the earthquake, is only the latest difficulty that the people of Nepal have to face, having had a very considerable period of civil war and then protracted post war reconciliation that hasn't quite worked. Welcome to the program Jasmine.

Dr Jasmine-Kim Westendorf

Thank you.

Nick Bisley

So let's start with a bit of background, people will be enormously familiar with the recent earthquake in Nepal, with the huge loss of life, thousands of people killed, many thousands more unaccounted for, fiscal collapse of the infrastructure, buildings and the like, but they're probably a lot less familiar with the longer recent rather, history of political conflict in Nepal and the difficulties after its ten year civil war. What was the civil war about, started in the mid 1990's, what were they fighting over and what has occurred since roughly 2006 when the war came to an end?

Jasmine-Kim Westendorf

Nepal's got a really long history of political unrest. It has been a monarchy for many years but there's also been over the last couple of centuries, a real undercurrent of political intrigue in how power changed hands, and who had power to do what, in the kingdom of Nepal. Through the 20th Century, there was increasing calls from the population for democracy and there was a really brief experiment with democracy in the 1950's which the king at the time then rolled back very quickly because it didn't quite work in the way that he was expecting it to, and because there was also a sense that people weren't doing democracy right, so we'd better reign them in.

There were rising calls for another turn at democracy in the late 80's and in the 90's, Nepal sort of had a second chance and had its second experiment. The real difficulty was that through the 90's that democratic experiment was characterised by push and pull from the monarchy who wasn't quite willing to give over power completely to the new democratic institutions. And there was also an incredible inability of the political parties to actually act effectively within that system, so the whole political system was crippled with conflict between the parties, constant changing of leaders, constant changing of alliances and a sense that nothing was actually working, nothing would be done.

That was complicated by, as I said, the role of the monarchy and also by the real impoverishment of a lot of Nepalese citizens, who really felt that, and it was the reality, that wealth was concentrated in the Kathmandu Valley and power was also concentrated in the Kathmandu Valley and that they had very little capacity to influence the decisions that were affecting their lives. So in the mid 90's the Communist Party split and there was a branch that basically took up, they called themselves the Maoists; there is a question mark over how Maoist they actually were, but they started the Maoist Revolution and that's when civil war actually began and it ran for 10 years until 2006. It was a really violent civil war, there was an enormous amount of civil rights abuses

on both sides of that war. That said, the Maoists were very successful in getting a lot of grass-roots support for their struggle and I think that's because the narrative that they had of autonomy or at least for villages to have a say in the decisions that affected them, they talked about overthrowing the Kathmandu elite, they talked about everyone having access. They had a very strong rhetoric around gender and around equality that I think spoke to the experiences and inspired a lot of the people in Nepal. They did also force people to be a part of their movement, so I'm certainly not papering over that side of it, but there was a lot of support for their movement.

The government on the other hand during that period took a very military response, they refused to negotiate for a lot of the time with the Maoists, and they said, *'This is just a struggle that we need to put down,'* and they were very heavy handed in their military response, which led to an enormous number of civilian deaths in the Maoist controlled areas, but also in the areas that were being fought over, so in a lot of ways the civilians were being caught between these two forces. During that ten years, about 17,000 people died and about 100,000 people were displaced and there are thousands of people who are still missing. There was a story when I was in Nepal in December last year, of a man who had been missing for 17 years, he fled across the border into Northern India and he was too scared ever to come back to Nepal and so he just disappeared, so there's a sense in Nepal that there are a lot of issues that are still unresolved. Even this long after the conflict ended in 2006 so it's been almost 10 years.

In that 10 years the international community took a really interesting approach to the peace process, in that they really partnered with the Nepali Actors and they supported them to design and implement that peace process in a way that they thought was really relevant to Nepali Society. One interesting thing they did is ensure all that funds from the international community were controlled by Nepali. Because there was a history of strong government structures, they could actually do that, which is quite different from a lot of post war contexts.

There was also a real willingness at least initially, for the Maoists to enter the parliamentary negotiations to be a part of this government and participate in democracy. One of their main demands was that a real democracy be established and that the Monarchy be dissolved, which happened. The challenge to that has been very similar to the challenges in the 90's, that there's been almost a revolving door of leaders and prime ministers and people in charge of the parties. Old alliances have reformed, and from an outside perspective and from the perspective of many Nepali people, they see the same old guys doing the same things they did before and they're starting to say, *'What did we even fight that war for?'* Because the benefits of the peace haven't necessarily reached anywhere outside the Kathmandu Valley where there is still an enormous amount of impoverishment, violence, insecurity, food insecurity and vulnerability to the weather or to other issues as we've recently seen.

Nick Bisley

So when the civil war ended in 2006, was there a constitution with a clear structure of how government would work and a lot of powers and a Monarch that's disappeared, or did they kind of negotiate and have to put together the peace, as it were?

Jasmine-Kim Westendorf

When the war ended, the Peace Agreement mandated that there would be an Interim Government and after that point there were elections. Those elections went very well, the Interim Government behaved itself very well and really supported the initial peace building process. Since then the main job of the Constituent Assembly has been write the Constitution. They've failed to do that, they have passed two deadlines to promulgate the Constitution, there's been an enormous amount of conflict in the lead up to both of those deadlines.

The first Constituent Assembly dissolved in the aftermath of this failure and in January this year, the second deadline passed with quite bizarre scenes of chaos within parliament where people were throwing chairs and microphones at each other and a number of Members of Parliament were injured because of the complete inability of the two sides of politics; so the Maoists and then what is now the Ruling Coalition, to agree over what form of Federalism Nepal will adopt.

And this has been the sticking point for the last few years in Nepal, everything else has been negotiated and everything else has actually started moving forward, but the question of whether Nepal will be divided on ethnic lines or just geographic lines is the absolute sticking point. The Maoists would like Ethnic Federalism, they think it's really important for ethnic groups to have a level of self-rule and they think it makes sense to divide the country that way. Others are saying that will cause an enormous amount of conflict because ethnicity has never been a part of the conflict in Nepal up until now, and if you start dividing the provinces up along those lines it will cause a lot of confusion amongst people and it will also cause competition between those groups. When I was there, people were saying to me, *'If my province becomes, such and such an ethnic group in name, everyone else will have to leave.'* Which is very difficult because, even the largest ethnic group in all of the provinces is not the majority in their province. So this is a really, really difficult issue and it's one that's been complicated by the International Community that's been quite supportive of the idea of Federalism and pushed it initially.

Nick Bisley

Now let me get this straight. So you had in 2006, an election of a government, an agreement to come up with a constitution, you then have a Constituent Assembly appointed to create that, meanwhile I assume in the background, the Government is ostensibly doing its job.

Jasmine-Kim Westendorf

Mmm.

Nick Bisley

How is the Constituent Assembly appointed, I mean is it elected as well or is it appointed by the parliament or is that part of the problem?

Jasmine-Kim Westendorf

The Constituent Assembly is Parliament, so it's elected directly by the people.

Nick Bisley

Ok, and that's the short term government that's then tasked with coming up with a constitution?

Jasmine-Kim Westendorf

It's even more complicated than that because, the first job of the elected government, which was the first Constituent Assembly was to promulgate a constitution, but they were also running government and doing all of the other negotiations associated with government. So while those have continued, this primary task of actually promulgating a constitution, it hasn't been reached.

Nick Bisley

So 2015 is the second failure to promulgate the constitution leading to these scenes in the parliament building of physical clashes?

Jasmine-Kim Westendorf

Leading also to riots, quite significant riots, the Maoists when they left Parliament that day they called and enforced a nationwide strike which shut down markets, roads, schools. The lead up to

the anticipated promulgations of the constitution led to a number of splits in the Maoist Party with groups in the far West declaring that their colleagues, their comrades in Parliament had abandoned the core tenants of their war, and that they needed to actually return to the more violent methods in order to actually achieve the revolution that they were initially after. And it led to an enormous amount of fear as well, in the general population about what would happen, because the sense is, no matter which they choose, it's going to cause conflict. If they choose Ethnic Federalism now it will cause conflict fairly quickly, there's very little chance that that will lead to a complete renewal of the civil war but there are areas in Nepal, particularly in the South which are very vulnerable to conflict.

In the South at one point there were a few hundred small armed groups, some of which were very political, some of which were tied to the criminal networks over the Indian border but there's a sense that that area particularly could be a source of enormous conflict if this Ethnic Federalism comes in.

If Non-ethnic Federalism comes in, people are anticipating that down the track this will lead to more conflict because certain groups will feel left out. And again there are groups like the Madhesi who are saying, *'We are always left out, and if we don't get our own autonomous state that's based around our identity, this isn't going to work for us.'* So in a sense, the members of the Constituent Assembly are in a very difficult position and, one of the likely reasons why they didn't actually promulgate the constitution earlier in the first round, was because they knew that it would cause conflict and conflict was really building. There was a sense in Kathmandu that violence was going to break out and so they decided to dissolve the Constituent Assembly rather than put on the table a document that could cause that violence, so the situation is still highly charged.

Nick Bisley

Kicking the can down the road... But it sounds like the more recent events are less strategic in a sense I guess, or less thought through and deliberate. This was actually a genuine failure to reach something. It sounds though that the political framework, not a good one in which one is trying to establish a policy that works. I mean politics is about compromise, and about not getting 100% of what you want, being able to make the best fist of what compromises you can make and it sounds like positions in Nepal are pretty hard and the ability of different groups to give up a small chunk of what they want in the interest of a larger story is not great. Is that a consequence of the conflict? Is it an absence of a coherent national identity, is it about a lack of faith in, or fear that compromise will lead to you being really down trodden? What lies at the heart of this inability to find some common ground, even after ten years of war?

Jasmine-Kim Westendorf

I think a lot of it comes down to the fact that the people who are in Parliament and the people who run the Parties are largely the same Kathmandu based elite as they always have been. And they're seen as, representing the same elite interests as they always have been and they're very protective of those interests and they stand to lose quite a lot if they start to actually negotiate in good faith and potentially soften some of their positions. There is an enormous amount of corruption that is concentrated, very much, in the hands of those same elite. So I think that's probably one of the main reasons.

I think there's something else going on in Nepal which is really interesting which is, part of the religious narrative is that *'Your fate is written on your forehead in the weeks after you were born'* and that's it. And people who I spoke to who were doing grass roots peace building, out in conflict affected areas say, that's actually their biggest challenge. That people don't think that they – in terms of their role in the universe, their position in the universe and their fate – have anything to

offer to national political processes. And they feel like whatever is going to happen will happen because it's already been fated.

So I think, on the one hand you've got this political elite that's very able and willing to mobilise in ways that benefit themselves, on the other hand you've got an enormous population that is quite poor, very uneducated, lives in very remote, hard to access areas and doesn't think that they can necessarily do anything or change anything and that's a really difficult position to be in. And on the other hand I suppose, the third complicating factor is that, there's a real willingness to riot. People are very willing to join in the riots, even if they don't necessarily connect.

Nick Bisley

So you've got an easily mobilised population that can be brought out in the streets, but one that isn't actually able to be politicised in a larger sense, there's not a sense of agency and ownership, and I guess what we would think of as citizenship where you have rights and responsibilities and a place, and a stake in the whole game.

Against this backdrop of a pretty dysfunctional political system, we have this massive earthquake in April 2015 that has severely disrupted the capital city and much of the environs around it and of course Nepal is a country which is economically dominated by the city of Kathmandu. What effect is this natural disaster and this human tragedy going to have on this political uncertainty in the country and do you see any parallels to whether they're positive or negative, in other situations of post conflict, sort of quite war torn countries experiencing severe natural disasters? Does it create a sense of *'gosh we're all in this together and we've got to put aside our differences,'* or does it exacerbate these things and really create a truly chaotic situation?

Jasmine-Kim Westendorf

I think there've been two comparable cases in the last little while. The first is at Aceh, the Asian Tsunami of 2006, which it wasn't the only factor that led to the signing of the Peace Agreement in Aceh very shortly after the Tsunami, but it did somehow, even the ground a little bit, and create some sense that there's other things going on and that the conflict could be resolved. Now that's not to downplay the longstanding negotiation efforts that were going on in the lead-up to that. And Aceh has been very successful, a lot of people look at it and say *'This natural crisis was actually really key to just pushing the conflict away and pushing the narrative of endless retaliation, out of this situation.'*

The other one that's comparable is Haiti which had a massive earthquake five years ago, a similar situation to Nepal, it was a number of years into an established peace process and UN Peace Operation, although the situation was much less stable there when the earthquake hit, and the very disorganised nature of international aid and relief into Haiti, caused a lot more problems.

And I think that that's probably the risk that Nepal is at, at the moment. The Kathmandu Valley has been severely affected, that's the centre of economic activity, centre of political activity and if the relief efforts focus on that area to the exclusion of other areas that have been affected, whether those are the areas closest to the epicentre or even the areas that were not affected at all, but see that they haven't actually received any assistance since the end of the war. Why does Kathmandu get all of this money and international assistance now? That could be a significant factor that could reignite some of these grievances. And I think one of the big risks is what we saw in Haiti, was a whole lot of individuals who felt a connection to Haiti, maybe they'd been there as tourists, and they just went over there and they acted in ways that were not at all conflict sensitive.

Major organisations also did that when they sent in relief personnel, who didn't know the

contexts and didn't recognise that there was a conflict undercurrent to that context and I think that is again, one of the big risks that Nepal faces. Because, if this relief effort is done poorly, it could very quickly reignite the conflict, and given that the country politically is at a point where they haven't promulgated the constitution it could be very easy for groups to withdraw and to go back to the war.

Nick Bisley

So Nepal faces an extraordinarily difficult coming six or twelve months, it will be interesting to revisit this when you next go back to conduct more research. Thanks for the time Jasmine.

You've been listening to Asia Rising, a podcast of La Trobe Asia. You can follow Jasmine on twitter @jasminekimw or me @nickbisley and if you like this program you can subscribe to Asia Rising on iTunes or on Soundcloud. Thanks for listening.