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# Nepal's Protracted Democratization in Terms of Modes of Transition

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## NEPAL'S PROTRACTED DEMOCRATIZATION IN TERMS OF MODES OF TRANSITION

Since 2005, Nepal has been engaged in a complex political transition. Growing differences between the radical Maoists and Nepal's other political parties have stalemated Nepal's attempt to complete a durable transition to democracy, a project intermittently underway since 1950. Yet, significant achievements along democratic lines have been made. This article applies the modes of transition approach to analyze Nepal's various political transitions. Modes of transition with their emphasis on elite interactions offer a valuable analytical framework to examine the Nepali case. Nepal's transitions confirm as well as question many of the assumptions of this body of scholarship. In the first section, the paper lays out key theoretical stipulations of the modes of transition; the second examines Nepal's transitions, critically applying these key concepts; finally, the third section presents an assessment of problems and prospects of consolidating Nepal's current efforts to achieve a democratic system.

If explaining regime transition is a complex exercise in general, Nepal's ongoing transition is many times more so. Since the mass uprising against the ousted King Gyanendra in April 2006, Nepal has achieved several political milestones, including a Comprehensive Peace Accord (CPA) with the Maoists that ended their decade long insurgency, the Constituent Assembly (CA) elections in April 2008 and the abolition of the 240 year old monarchy in May 2008. However, the fate of Nepal's democratic transition still hangs in the balance as the divide between the Maoists and Nepal's other political parties continues to widen; since April 2006, political stalemate has become the hallmark of Nepali politics.

Nepal's attempt to craft and secure democracy has been unusually protracted since the country's first experience of democracy in the 1950s. Under the Delhi agreement that the then King Tribhuvan signed with Nepal's other political forces, the King conceded political sovereignty to a popularly elected Constituent Assembly. However, these stipulations were shunted aside by King Tribhuvan's son and successor, King Mahendra, who reconsolidated royal primacy through the progressive centralization of power. The royal coup of December 1960 against

Nepal's first ever elected parliament marked the grand finale of King Mahendra's Machiavellian maneuvers. For the next thirty years, royal despotism prevailed albeit punctuated since the late 1970s with further challenges. In 1990, King Birendra was forced to accept a multiparty parliamentary system after a massive and violent opposition movement to his regime. In April 2006, Nepal saw another mass uprising against King Birendra's brother and successor, King Gyanendra, who attempted to consolidate his power by openly breaching the limitations on royal powers under the 1990 constitution.

How does one explain Nepal's difficult quest for democracy and the success and setbacks of this enterprise? Encumbered by extreme poverty, illiteracy and a long history of despotic rule, is Nepal's political transition likely to produce a sustainable democracy? Where is the bastion of Nepal's democratic aspirations: among the elites, among the changing socio political dynamics of its people, or with external forces? With these questions I turn to literature on transition from authoritarianism for insights and generalizations that could help explain Nepal's political transitions. How helpful are the findings of this body of

literature to understand the Nepali case?

This paper fills a critical void in the literature on the democratization process. South Asia has been largely ignored by scholarship on democratic transitions. One reason for such neglect could be India's widely hailed status as the world's largest and one of more successful democracies. India's success in that sense has overshadowed the continuing struggle by millions of people in other countries of this region to achieve democratic governance. This study, I hope, will reveal some patterns that will contribute also to a wider understanding of democratization processes.

The first part of this paper provides a brief overview of the procedural approach to study democratization, and lays down the basic premises of modes of transition to democracy. In the second part, the paper applies the central findings of the modes of transition approach to examine Nepal's long drawn out transition to democracy. The third part of the paper critically examines the problems with and prospects for the consolidation of a democratic regime in Nepal.

### MODES OF TRANSITION AND NEPAL'S POLITICAL TRANSFORMATION

Literature on the third wave of democratization shows broad agreement on defining democracy in procedural terms; this approach is also referred to as democratization on an "Installment Plan" (Diamond, Linz & Lipset 1995:3). Nepal's democratization effort is only conceivable in terms of what Lynn and Schmitter calls "rejection of the search for prerequisites" and shifting the focus of analysis to "strategic choices, shifting alliances, emergent processes and sequential patterns" in regime changes (Lynn and Schmitter 1991: 270). Democracy under this approach is defined in terms of minimal procedural conditions rather than substantive outcomes resembling developed democracies. According to Dahl, constitutionally vested authority in elected officials, frequent and fair elections, adult franchise, the right to run for office, the right to free expression, and the right to seek alternative sources of information, organizations and associations are the key conditions of procedural democracy (1982: 10-11). Others have included secret balloting, partisan competition, and executive accountability to the list (O'Donnell and Schmitter 1986: 8). Since the late 1980s, the ability of the opposition to replace the ruling forces has been seen as a key aspect of the dynamics between and within both the incumbent and opposition parties. Diamond calls this the "litmus test of democracy" (Diamond 1996: 25).

If democracy can be understood in terms of procedures, the role of elites, (both traditional and reformist), emerges as the key factor in all phases of democratization. Diamond's remarks here about the centrality of elites are typical. He says, "Democratic change is produced not by abstract historical and structural forces but by individuals and groups choosing, innovating, and taking risks." He calls democracy a "continuum or a process rather than a system that is simply either present or absent" (Diamond 1999: xi-xii).

Modes of transition studies are distinctive in their focus on elite interactions as instrumental in determining the path of success or failure of transitions to produce democratic regimes. A Pioneering study of modes of transition from authoritarianism by O'Donnell and Schmitter found in the interactions of incumbent and opposition elites clues to develop a typology of transition, and to make inferences as to whether the prospects for the consolidation of democracy is impacted by how transition occurs. Uncertainty of actors and their strategies is the hallmark of this approach as the actors are "divided and hesitant about their interests and ideals and, hence, incapable of coherent collective actions" (O'Donnell and Schmitter 1986: 4-6). Scholars of modes of transition have stressed "contingency" of outcomes resulting from "collective decisions and political interactions" (Lynn, and Schmitter 1991: 271-274). The critical role of elites has been stressed by several other studies. Bermeo asserts that failure of civilian elites to "compromise or bargain and abide by the outcome of the democratic game "endangers democracy". Democracies, she says, are "recreated piece by piece, institution by institution and the creators are usually old enemies" (Bermeo 1992: 273-81). Other studies on Latin America and Southern Europe have even compared the consequences of elite settlements with "social revolution"; lingering mutual suspicions and failure to live by democratic rules of the game lead to the breakdown of democracy (Burton, Gunther and Higely 1992: 5; Cohen 1994: 6-7; Huntington 1996: 8).

Lynn and Schmitter advanced four modes of transition: *pact*, *imposition*, *reform* and *revolution*. The level of accommodation between the old and new elite separated one mode from another. Pact resulted from compromise; imposition was unilaterally carried out by incumbents, reform was orchestrated by mass mobilization and compromise without violence. Revolution resulted from a complete break with the past and the defeat of the incumbent elites (Lynn and Schmitter 1991: 275-76). Later Munck and Leff revisited these modes and realized the need to look beyond the single dimension of continuity between the old and new regime to understand the role of various elites. They thus altered the modes of transition approach by adding another criterion, the "identity of the primary agents of change." They defined transitions as "uniquely fluid processes defined by the identity of regime challengers and their strategies in challenging the old regime." With these modifications, Munck and Leff expanded the typology by adding categories that allowed greater discrimination of the role of actors in various modes of transition. Here is a summary of their modes and their specifications (1997: 344-46):

1. *Reforms from below* are driven by pressure from the outside by broad opposition movements for reform; however, the incumbent elites still remain powerful enough to define the parameters of participation. This mode leads to "restricted democracy."
2. *Reforms through transaction* is a "more complicated and protracted" process. Although it heralds less restricted democracy, the old elite retain lingering power, which

they use to impose rules that are not “optimal for democratization.” It also leaves the antiauthoritarian coalition in disarray. Executive and legislative bodies are prone to clash in this mode; both governability and democratic consolidation become problematic.

3. *Reforms through extrication* lead to “unrestricted democracy.” The opposition controls this mode of transition by defeating the old elites. Yet, old elites due to their reduced but continuing power and influence (withhold) “lingering power” allowing for a certain degree of continuity with the old regime. This modality is considered favorable to a steady progress toward democratization.
4. *Reforms through rupture process* is a complete turnaround, the “most unproblematic type of transition.” Overtaken by the opposition, the process leads to unrestricted elections. Under this mode, the transition is fast and easy but consolidation is not. The elements of antiauthoritarian coalition disintegrate as a result of electoral competition. Lacking agreement on resolution of constitutional issues, consolidation is eluded by stalemates and standoffs.
5. *Reforms through revolution from above* are a preemptive set of reforms initiated by the reform minded ruling elite; the process is controlled and creates division and lack of trust among the opposition leaders and groups.

Bold claims were made about the path dependency of regimes following these modes of transitions. Lynn and Schmitter called “transition from above” or pacts, where the traditional rulers “retain at least part of their power,” as the most likely to lead to some form of political democracy. They unequivocally asserted that revolutions were least likely to lead to “patterns of fair competition, unrestricted contestation, tolerance for rotation in power and free associability (Lynn and Schmitter 1991: 280-281).

Modes of transition have since drawn critical reviews. Studies of East European transitions have found various assumptions of the modes of transition approach questionable. For example, McFaul and Bunce find some of the key observations from earlier studies of transitions lacking relevance in post-communist transitions. Instead of continuity with the old regime, the East European cases, Bunce points out, underline “severing ties” with the old as more important in building democratic regimes. In sharp contrast to the assertion of modes of transition approach, she also found mass mobilization as “proximate and positive influence” (Bunce 2003: 174-178). McFaul has concluded that democracy emerged in countries where democrats, not the traditional elites, had the overwhelming power and failed where traditional dictatorial elites had decisive power. He found that equal balance of power resulted in “unconsolidated, unstable partial democracies and autocracies” as the protagonists got caught in “protracted confrontation” (McFaul 2002: 213-214).” In a later work,

McFaul and Stoner Weiss reaffirm that not “all change is evolutionarily.” They find that “many of the most important changes in regime development and economy are rapid and abrupt” (McFaul and Weiss 2004: 8-9).

The concepts of *transition*, *liberalization* and *consolidation* are always tied to any discussion of the democratization process. For O’Donnell and Schmitter “attempts by an authoritarian regime to modify their rules so as to provide “more secure guarantees for the rights of individuals and groups” typically mark the beginning of transition. O’Donnell and Schmitter also identify uncertainty and shifting coalitions as essential features of transition process (1986:4-6). Likewise, for Bunce, transition to democracy comes to an end with the “formation of the first popularly elected government” (2003: 179). Shain and Linz define transition in democratic regime change as “an undefined period between the launching of the process of dissolution of an authoritarian regime and the installation of some form of democracy, or the return to some form of authoritarian rule, or the emergence of a revolutionary alternative at the end” (Shain and Linz 1995: 7). Fox, on the basis of his recent studies of post communist Europe, concludes that “the conventional notion of political democratization as a single regime transition should be recast as a set of transitions along the various key dimensions of democracy.” He points to the need to study the relationship of “electoral competition” to factors like “civilian control over the military, effective universal suffrage, an end to vote fraud, or ending impunity for state sanctioned violence” (Fox 1994: 184).

As to when transition is to be considered complete, Linz and Stepan consider it complete when “sufficient agreement has been reached about political procedures to produce an elected government, when a government comes to power that is the direct result of a free and popular vote, when this government de facto has the authority to generate new policies, and when the executive, legislative and judicial power generated by the new democracy does not have to share power with other bodies de jure” (1997: 3). These conditions are highly demanding and their status is often difficult to determine in view of complex interactions between various centers of power in new emerging democracies. Marybeth Peterson Ulrich addresses some of these conceptual problems in her study *Democratizing Communist Militaries: The Cases of the Czech and Russian Armed Forces* as she underlines the need to see democratization as a continuum. She identifies the need to observe several dimensions including “socialization of the military along democratic lines” and, attainment of civilian supremacy, which she concludes depends on “a sense of mutual confidence between military and civilian leaders” (1999: 17).

The concepts of *liberalization* and *democratization* also relate to the transition process and its aftermath. O’Donnell and Schmitter point out that the implementation of the measures to liberalize the regime produces “a multiplier effect” and prompts greater number of people to exercise new

freedoms and to challenge the limits of liberalizing regimes (1986: 7). *Liberalization*, according to Huntington, “is the partial opening of an authoritarian system short of choosing governmental leaders through freely competitive elections” (Huntington 1991: 9). *Democratization*, on the other hand, requires “open contestation over the right to win control of government, and this in turn requires free competitive elections, the results of which determine who governs” (Linz and Stepan 1997: 3-8).

Consolidation of democracy is the optimum goal of all democratic transitions. Yet, scholarship is hardly precise in defining a consolidated democracy. To quote Bunce again, “consolidation of democracy refers to the degree to which the key elements of a democratic order are in place, and whether those elements function to promote effective, inclusive, and accountable governance”; she defines sustainability of democracy in terms of the continuation of democratic rule (Bunce 2003: 179). Linz and Stepan see consolidated democracy as “a political situation in which, in a phrase, democracy has become “the only game in town” (1997: 3). Burton, Gunther and Higley find “dis-unified elites” unable to agree on even the “basic rules of political conduct” most inimical to the democratic consolidation process (1992: 3-12). Consolidated democracy has also been defined in more technical way in terms of the “two-turnover test.” A democracy passes this test if the party or group that came to power in the initial election or founding election at the time of transition (to democracy) loses a subsequent election and hands over the reins of power to the new winners, and if these new election winners then peacefully turn over power to the winners of a later elections (Lijphart 1999: 6-7). For Diamond, consolidated democracy will require a “shift in political culture” (1999: 65).

### MODES OF TRANSITION IN NEPAL'S CASE

How does the preceding literature review help in analyzing Nepal's efforts to democratize? Is Nepal's experience akin to the transition in Eastern Europe or is it illuminated better with the modes of transition approach rooted in the experience of Southern Europe and Latin America? Alternatively, does the Nepali case show the relevance of the major findings of both sets of studies? I have divided Nepal's journey to democracy into four phases of transitions; 1950-1959; 1979-1981; 1990-91 and 2005-present. I apply retrospectively, the findings of modes of transition in terms of the categories developed by Munck and Leff to Nepal's first transition.

#### **Nepal's First Transition 1950-1959: Reform through Transaction**

Nepal's first breakthrough in democratic rule occurred in 1950-51 with the flight of then King Tribhuvan to India in defiance of the Ranas who had ruled Nepal since 1846. During this period, the Ranas were the defacto rulers rendering the the King a virtual prisoner in the palace (Joshi and Rose 1966: 26). The King's defection from the Ranas

reflected deep cleavages in the ranks of the traditional elites. Under the Delhi agreement, negotiated between the three parties—the King, the Ranas and the Nepali Congress—under Indian mediation, the King accepted a democratic system to be established by an elected Constituent Assembly (CA).

Analysis of Nepal's first transition process reveals, as pointed out earlier, both confirmation as well as anomalies of the modes of transition approach. The category that fits Delhi agreement most is what Munck and Leff calls *reform through transaction*. Bridging the old and the new was central to the Delhi Accord. The government that immediately followed the agreement was still led by the Ranas though it shared power with the representatives of Nepali Congress. This government was supposed to be an interim government whose main responsibility was to facilitate the CA elections. The role of elites was crucial as the agreement was worked out between the King, the Ranas and Nepali Congress. Soon after the Delhi agreement it became evident that the King and his traditional supporters were the primary agents of this protracted transition; they defined the rules of the game and undermined the consolidation of democracy.

How about path dependency? Did the Delhi agreement support the conclusion of the modes of transition approach that elite interactions determine the path of the subsequent regime and the level of its success or failure in establishing democracy? The answer is not resoundingly affirmative. Instead of living by the pact, traditional elites led by the King were bent on violating it. Hence, the pact alone fails to offer a reliable road map for its implementation. The Delhi agreement seemed to have created an anomalous situation by tipping the agreement in favor of Nepal's nascent democratic forces under Indian influence, making the traditional elites resent the agreement as an imposition by India. This factor underlines the critical role of external actors in the geopolitically vulnerable states, an element that needs greater recognition and analysis, as it is largely ignored, especially in the early transition studies.

The agreement also made Nepal's democratic leaders vulnerable to the allegation of promoting India's excessive influence in Nepal, a factor that was used quite successfully to marginalize reformist elites, especially those of the Nepali Congress. The Delhi agreement and its corollary Peace and Friendship Treaty between India and Nepal negatively colored Nepal's self image, which turned into a powerful factor in shaping future political course. Overwhelming Indian influence reflected in the Delhi agreement as well as in the Indian role in subsequent internal political dealings in Nepal left many Nepalese convinced that India did not take Nepal's independence seriously. The period 1950-55 came to be characterized as an era of “special relations” with India because of excessive Indian meddling in all aspects of Nepali politics and administration. Opposition to India's big brotherly role in Nepali affairs became the rallying cry for Nepal's new nationalism, a line promoted by King Mahendra.

Interestingly, both King Tribhuvan and the Nepali Congress leader B. P. Koirala were rumored to have proposed that Nepal be integrated into India. Had it not been for Nehru's opposition, this rumor claims, nationalist Indian leaders like Sardar Patel and the Jana Sangh<sup>1</sup> leader K. R. Malakani would have annexed Nepal (BBC Nepali Service, 2007). Nepal's communist groups denounced the agreement as a 'betrayal of their revolution' (Thapa 2004: 23).

The King used the uncertainty of actors and their strategies to his advantage. Without much difficulty, the monarch was able to bypass the provision of popular election to the CA by having the political leaders agree to his royal draft of a constitution. The king co-opted opponents of the Nepali Congress party as his allies in his endeavor (Baral 1977: 28-30; Uprety 1993: 20). By the time Nepal's first parliamentary elections were held in 1959, the ground rules were all written at the behest of the King. These elections lacked "rules that are specifically apriori, explicit, potentially familiar to all participants and subject to change only according to rules." This left the political parties at the mercy of the King. Hence, Przeworski's "alienation of control of all actors over outcomes of conflicts," which he calls "the essence of democracy" was lacking in Nepal's first parliamentary elections (1988: 56-58).

The 1959 election results further exacerbated elite disunity in Nepal. The Nepali Congress's two thirds majority in the 1959 elections became its own undoing as it alienated the other political parties and drove them into the royal camp. Bermeo's observation that "democracies usually break down with the active or passive support of a substantial sector of the civilian political elite" was so true of the Nepali context (Bermeo 1992: 276).

The King also benefitted from the fast changing geopolitical situation culminating in the 1962 Sino-Indian war. India's new security imperatives trumped the fate of Nepal's democracy as a priority. This allowed the King to assert his independence from India and further expand the diplomatic contacts that he had started building. His China visit in late 1960 had secured a Chinese commitment to build a 104-kilometer long highway connecting Kathmandu with Tibet. In 1962, the Chinese foreign minister Chen Yi warned that in the event of any foreign attack against Nepal, China would side with the Nepali people. It was interpreted as a veiled threat to India. The King also befriended India's arch enemy Pakistan; Pakistani military leader Ayub Khan supported the royal takeover. This shift in India's policy toward the regime in Nepal came as an early precursor of what Schmitter and Brouwer found in another context, that Democracy Promotion and Protection (DPP) has been "a weapon in the foreign policy arsenal" and DPP gets trumped by "more pressing foreign policy objectives" (Schmitter & Brouwer 1999: 4).

Nepal's case thus raises an important point, that in order

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1. The Jana Sangh became the BJP in 1980).

to be sustained, the democratic blueprint must reflect the reality of the relative strength of traditional and reformist elites. Nepal's first revolution, as Joshi and Rose point out, was "relatively a very brief episode, but its consequences were epoch-making for contemporary Nepal "(Joshi and Rose 1966: 78)." India's role in Nepali politics echoes Migdal's observation that the "role and effectiveness of the state domestically is highly interdependent with its place in the world of states (1988: 21).

### **Nepal's Second Transition 1979-1981: Reform from Below**

Nepal's second transition started amidst growing turbulence for the new King Birendra, who ascended to the throne in 1972 upon the death of his father. King Mahendra's centralized system alienated the opposition as well as supporters of the regime. Internal squabbling among the regime leaders over the spoils of power intensified (Baral 1983: 22). Opposition groups became bolder. In 1976, the Nepali Congress leaders Bisheshor Prasad Koirala (B. P.) and Ganesh Man Singh returned from their exile in India and called for power sharing with the King (Baral 1983: 29). Koirala warned that if democratic forces in Nepal remained in a continuing state of weakness, the influence of pro-Chinese Communists in Nepal would soon become overwhelming. The opposition to the regime also grew as education and political awareness raised the level of discontent and expanded avenues for mobilization and expression of political discontent. This period consisted of what Bermeo calls the "critical moment between the crisis of the old order and the consolidation of the new one" (Bermeo 1992: 273).

King Birendra's regime confronted a "perceptible rise in acts of both governmental and popular violence accompanied by waves of unrest among students and peasants." In June 1973, a Royal Nepal Airlines plane was hijacked by some Nepali Congress activists. In September 1974, four men convicted of possession of hand grenades were executed. Later that year, a secretariat building burnt down in Kathmandu amidst suspicion of opposition involvement (Shah 1990: 10-12). The opposition to the regime culminated in 1978-79 with widespread protests against the royal regime on college campuses and streets. In May 1979, amidst increasing incidents of confrontation between the protestors and security forces, the King announced his intention to hold a national referendum subjecting the prevailing system of restricted, partyless democracy to popular vote, allowing people to opt if they chose for an alternative multiparty system. By this move, the King launched Nepal's second transition.

Nepal's second transition fits into Munck and Leff's first category *reform from below*. Unlike the first transition marked by predominant external influence and marginal role of opposition forces, "pressure from outside" was pronounced during this period although the incumbent elites still

retained sufficient leverage to lead the transition process and hence restrict full democracy. The role of the mass and civil society groups marked by organizations of students, labor unions, professional groups such as lawyers associations, bureaucracy became increasingly more important in Nepal's struggle to leave behind the grip of authoritarian rule.

This transition fundamentally redefined the contours of Nepali politics. For the first time since the 1950s, media in Nepal enjoyed unrestricted freedom following the announcement of the national referendum; this freedom largely continued even after the no-party system favored by the King secured a narrow but controversial victory. King Birendra announced a series of constitutional amendments prior to the holding of the referendum in May 1980; the amendments included direct elections for national assembly members, appointment of the Prime Minister on the recommendation of the legislature, and collective responsibility of the cabinet to the legislature. These amendments, in turn, created room for progressive denudation of royal power and augmented internal tension by including all the elements of a parliamentary democracy without its most critical part, the political parties (Shah 1990: 19-20).

Like in the case of the first transition, Nepal's second transition also proved protracted, making it imprudent to limit the period of transition to just the holding of the national referendum and national elections in 1981. The modes of transition approach does offer important insights into the encumbrances that the reformed regime suffered from. The two concrete outcomes of this transition, the disputed verdict and constitutional amendments, exacerbated the regime's lack of legitimacy, alienating its supporters as well as opponents. Although the regime won the referendum by securing 55 percent of the votes in favor of the no party system favored by the king, political parties continued to function albeit without legal recognition; the press continued relatively unrestrained. Growing signs of cooperation appeared during this period between political parties. Along with the Congress Party, influential communist groups supported multi-party system, in sharp departure from their earlier policy of pursuing armed revolution. In fact, it was an early indication of the inclination of some of the communist groups to play by the rules of a democratic political system.

In the aftermath of the referendum, two general elections were held in 1981 and 1986. These elections drew participation of candidates with clear affiliation to political parties, even though technically parties remained banned. In the 1981 election, a faction of the Nepali Congress won 4 seats. A communist faction also participated but failed to win any seat (Shah 1982: 206-207). All the influential communist groups boycotted the elections (Shrestha 1990: 19-31). The rank and file members of Nepali Congress favored participation as a means to stay in touch with the people and strengthen the party's grassroots support (Baral 1983: 5). In the 1986 elections, the Nepali Congress participated at the local level. Several prominent members of the left affiliated parties were

elected to parliament (Shramjivi 1992: 43-47). The unraveling of the royal regime had started with the national referendum and had continued in its aftermath.

The role of external factors—especially that of India—was less pronounced in Nepal's second transition, a significant departure from the first one. However, one finds India's role increasing as the regime moved towards the beginning of Nepal's third transition. King's Birendra's troubled relations with India became well known. By mid 1970s, India had concluded that its policy of restraining the Nepalese opposition from acting against the royal regime in Nepal had produced few dividends. In 1975, King Birendra declared Nepal a zone of peace; India saw it as an anti-Indian posture of the regime. The royal regime also imported arms from China using the highway link to Tibet, further alienating India. In 1989, India refused to renew the transit treaty and closed 13 of the 16 entry points on which Nepal relied for its imports and exports. The impact of this move was decisive. People had to stand in line for hours to get their daily necessities like salt, kerosene etc. India also launched a propaganda drive on its radio and television against the royal regime in Nepal.

### **Nepal's Third Transition 1990-1991: Reform through Extrication**

At the beginning of 1990, fundamental shifts occurred in both the internal and external factors affecting the state. In January, the Nepali Congress held its convention and issued the final call for a peaceful movement for the restoration of democracy. One of India's most prominent leaders (and later Prime Minister), Chandrasekhar, delivered a fiery speech that worked as "a great source of inspiration" for the Nepali Congress leaders (Uprety 1993: 127-130). An alliance of left parties, the United Left Alliance, immediately joined the Congress's call to form a Movement for Restoration of Democracy (MRD). This was the first time ever that the Nepali Congress had joined hands with the left parties, seven of whom had come together to form a united front. The movement captured the aspirations and support of the new and growing middle class of doctors, lawyers, teachers, journalists, trade union leaders and industrialists. Even government employees were sympathetic to the movement (Sanwal 1993: 202-203). Thus, the identity and strategies of the political parties had undergone a marked shift from the first period of transition. Building upon their collaboration during the national referendum, Nepal's political parties were once again ready to work with each other for securing democratic reforms.

The movement soon gathered unprecedented momentum and support. On April 6, a massive demonstration took place in Kathmandu and the crowd later started marching toward the nearby palace resulting in a confrontation with security forces causing scores of deaths. Fatalities were also reported from other parts of the country. On April 19, the King dismantled the three decade old no-party system and appointed an 11-member interim government consisting



of the members of protesting parties (*Economist* April 21, 1990: 36). The formation of the interim government marked the official beginning of Nepal's third and by far the most decisive transition process. With the formation of the interim government, Nepal quickly settled a question that Shain and Linz call a "central one" in regime transition: "who governs between the start of a democratic transition and the assumption of power by a freely elected government" (Shain and Linz 1995: 4). This interim government led the country through the drafting of the 1990 constitution and the holding of the founding elections in 1991.

How do we characterize Nepal's third transition? The modality of *reform through extrication* does capture major trends. Each of the major elements of the second transition (the national referendum and constitutional reforms allowing direct elections to the National Assembly) had laid the ground for the King's decision to accept a multiparty system and eventually the mode of extrication. Taking place against the backdrop of popular protests, these reforms were not simply royal giveaways but also aimed to secure the King's status as constitutional monarch. Each of these steps did mark a substantial break from the past practices; at each juncture the incumbent elites (hard liners) felt defeated and King Birendra earned a solid reputation as a reformist King.

The King yielded to the opposition demand for an unrestricted democracy and the shift of sovereign power from the king to the people. The role of the masses in this transition was more critical than ever before. Dozens of people were reported killed by the security forces before the King surrendered his power. This unrest against the royal regime has since come to be known as Nepal's First People's Movement. However, despite these sweeping changes the King retained some important lingering power that continued to influence the dynamics of the subsequent regime. This made Nepal's third transition an example of *reform through extrication*, and not a complete rupture from the old regime.

Unlike the earlier two transitions, democratic reforms were sweeping and swift. A new constitution was adopted in November 1990 by the cabinet. The constitution adopted a multiparty parliamentary system, guaranteed popular sovereignty and fundamental rights, and included the independence of the judiciary equipped with the power of judicial review. As indicated earlier, the constitution did leave some loopholes that supported lingering powers for the king. The king remained the Commander-in-Chief of the Royal Nepalese Army, an institution with unwavering loyalty to the king. The king also had the power to declare national emergencies. The constitution was silent on whether the king needed to consult the government before using the emergency powers, although it did provide that the House of Representatives had to approve his exercise of that power within three months of his doing so (Parajulee 2000: 105-108). Nepal's third transition not only clearly ended with the general elections in 1991 but also met the stipulations of consolidation. The founding general elections of 1991

were followed by two other rounds of national elections in 1994 and 1999. The elections were fiercely competitive; the Nepali Congress and the Communist Party of Nepal-United Marxist-Leninist (CPN-UML), emerged as the two leading contenders. The latter two elections also saw alternation of power from the incumbent to the opposition. Hence, Nepal passed both competitive elections and turnover tests.

How far can the regime emerging from the third transition and its subsequent patterns of operation, the success and failure, be explained in terms of the factors and interactions that characterized Nepal's third transition? Nepal's third transition did confirm various stipulations of reform through extrication. The opposition elites had won a decisive victory over the royal regime and were the primary force behind the transition. Also, for the first time, the Nepali political parties had entered into an interim government of national unity to govern and to facilitate the writing of the constitution, a pattern that continues even under the current ongoing transition. The rules of the game agreed upon by the elites provided stability to the system and allowed the holding of three successive elections and alternation of power.

Can the mode of transition explain the subsequent reversal of the democratic regime that came into being in 1991? The answer here is mixed. Ambiguities left in the 1990 constitution about the exercise of the emergency powers of the king played a disruptive role. The constitution left the king as the commander in chief of the military even though the king was mandated to follow the government's recommendation on military matters. These formal provisions shifting the control of the military to the civilian arena lacked teeth in view of the failure of civilian leaders to assert their control over a military that throughout history remained steadfastly loyal to the palace. A well connected security sector analyst in Kathmandu told me in December 2007 that leaving the command and control of the Royal Nepal Army (RNA) in the palace was a blunder on the part of civilian leaders.

Nepal's new democracy soon encountered severe challenges and their roots can be traced to the mode of third transition and the nature of involvement of various parties in that process. The inter-party and intra-party scramble for power undermined the stability of the new regime. Between December 1994 and January 1999, Nepal had six new governments and five different individuals as Prime Ministers. Reports of widespread corruption lowered public trust in the democratic leaders. Elite disunity thus became a critical element in the weakening of the democratic regime. The most corrosive factor that undermined the regime emerging from Nepal's third transition was the impact of the radical left. In February 1996, a faction of Nepali communists (known as the "Maoists") declared insurgency against Nepal's new democracy. Another crucial factor but coming from outside the 1990-91 transition, was the palace massacre in June 2001, in which King Birendra along with all the members of his immediate family lost their lives.

King Gyanendra, who succeeded his brother after the

palace massacre, revived the rivalry between the palace and democratic forces. As the new King started outmaneuvering political leaders, the loyalty of the military to the king and the raging Maoist insurgency became his chief weapons to marginalize the political parties. In November 2001, the beleaguered Nepali Congress government led by Sher Bahadur Deuba agreed to declare a national emergency after it failed to negotiate a peace deal with the Maoists, and after Nepal's military leaders refused to fight the insurgency without such a declaration. When emergency was declared, it sharply divided Nepal's political parties and emboldened the new King to consolidate his power. In October 2002, King Gyanendra dismissed the Prime Minister. Between October 2002 and February 2005, the King hired and fired Prime Ministers at will. In February 2005, he took direct control of government; his move was interpreted as another coup against democratic government, a replay of what his father had done in December 1960.

### **The Fourth Transition 2005- present: Reforms though Rupture**

The last and ongoing transition started amidst growing tension between King Gyanendra and Nepal's parliamentary parties leading to reform through rupture. Conflict between elites is the central factor explaining the rupture. The King's moves clearly violated the basic rules of Nepal's third transition; the 1990 constitution had clearly made the King a constitutional monarch despite certain ambiguities in his powers. The rupture of Nepal's democratic continuity also showed both the weakness and strength of Nepal's political parties. The political parties remained highly divided in their response to the king until November 2005 when a historic agreement was reached to launch a joint struggle against the King's move. The role of external actors, especially India and United States, was also ambiguous. Alarmed by the growing power of the Maoist insurgency, external powers had paid little attention to the demands of political parties until they realized that the King's despotic regime had no chance of defeating the insurgency either.

What forced the King to relinquish his power? The unity of oppositional leaders emerges as the most important factor. Nepal's opposition parties, pushed around by an uncompromising King, reached out to the Maoists. In November 2005 Nepal's Seven Party Alliance (SPA) and the insurgent Maoists, with the blessing of India, reached a twelve-point letter of understanding in New Delhi. The Maoists pledged to join the other political parties in their campaign to restore Nepal's stalled democratic process. In return, the SPA leaders accepted the long-standing Maoist demand for Constituent Assembly elections. The understanding also included provisions for including the Maoists in the interim government and a commitment on the part of the Maoists to respect the democratic process and return the properties they had illegally seized. This was the first commitment on the part of the Nepali Maoists to join the democratic mainstream.

The twelve-point agreement marked the beginning of the end of monarchy. The King had no role in this new partnership between Nepal's mainstream political parties and the Maoists.

The Delhi understanding became the basis of the most sweeping regime transformation marking a complete break from the past. The end of the royal regime came sooner than anyone had expected. The SPA parties, with the support of the Maoists, started the April movement as a strike call in the Kathmandu valley from April 6-9, 2006. The opposition campaign continued till April 25 when the king restored the House of Representatives dissolved since May 2002 and surrendered the executive powers to the SPA leaders. Nepal's newly empowered leaders completely sidelined the King through a series of declarations that changed the name of the Royal Nepal Army to Nepal Army and His Majesty's government to Nepal Government. Laws were also passed to impose taxes on the king and limit his compensation. On May 29, 2008 Nepal became the newest republican state by abolishing the monarchy.

Uncertainty has defined the position of internal as well as external actors. Internally, the King's moves to reconsolidate his power were perhaps guided by certain hopes of success. This could have been based on the evident lack of oppositional unity against the king. The Nepali Congress and Nepal's parliamentary communist parties remained divided until close to November 2005 over their understanding of the role of the monarchy, with the former supporting a constitutional monarchy and the latter favoring a republic. Their repeated effort to persuade foreign powers to exert greater pressure on the King to accommodate them had failed. Their overtures to the Maoists for ending insurgency and forging common front had either been dismissed or elicited an uncertain response. The King expected to win public support through various measures to provide greater security and transparency in government. The King also showed overconfidence in the ability of his security forces to defeat or contain the Maoist insurgency.

The international response to the King's usurpation of power before his February 2005 coup was also muted. India continued to insist on its twin pillar policy of supporting constitutional monarchy and democracy in Nepal adopted since the 1990. However, King Gyanendra's refusal to accommodate the democratic leaders and his regime's inability to make any headway in fighting the insurgency opened a schism in India's policy. India's security establishment along with the centrist and right wing forces wanted to continue fighting the Maoists by beefing up the Nepali army. The Indian Prime Minister Manmohan Singh favored this line by seeking a compromise between the King and the political parties to strengthen the fight against the Maoists but the King was not receptive. King Gyanendra further alienated India by reaching out to China for arms and by insisting at the South Asian Association for Regional Cooperation (SAARC) summit in November 2005 on giving China either regular membership or observer status

in the SAARC; New Delhi saw this as an attempt by Nepal and Pakistan to undercut India's regional role in the region (Srivastava 2005).

The massive popular uprising against the King in the Nepali capital and other parts of the country was largely unanticipated. The role of the masses, therefore, became the decisive element in this transition although the initial momentum was provided by the elite compromise reached through the Delhi understanding. For the first time, the protestors included a large number of government bureaucrats. Neither India nor the United States seemed to have accurately gauged the fast developing situation in Nepal. The peace process that India had helped start in November 2005 was moving well beyond New Delhi's ability to manage. India was not alone in misreading the situation; the American Ambassador, James. F. Moriarty, had mistakenly concluded that the King could survive by acting promptly to compromise with the opposition (CNN April 21, 2006).

### **PROSPECTS FOR CONSOLIDATION AND CONCLUSIONS**

As envisaged by reform through rupture, the nature of the changes that have taken place in Nepal is sweeping. The Comprehensive Peace Agreement (CPA) signed between the SPA and the Maoists in November 2006 was a land mark in terms of laying a path for mainstreaming the Maoists. The CPA led to the involvement of the United Nations in monitoring the Maoists' weapons and combatants. The successful CA elections in April 2008 and the declaration of the republic in May 2008 are two other major achievements of the post-April 2006 period. The elimination of the monarchy from the basic political dynamics of Nepal has removed a principal hurdle in Nepal's democratization process. Nepal's latest transition has also broadened participation from different ethnic and minority groups, including women and traditionally marginalized Madhesi, Dalits and indigenous groups, thereby significantly increasing the number of stakeholders in the political process.

Nepal's electoral arena, as evidenced by the CA election results, has become even more competitive. While the Maoists emerged as the largest party in the CA with 220 seats, it could only form a coalition with the support of other parties. Although the electoral performance of the hitherto two leading parties of the Seven Party Alliance, the Nepali Congress and the CPN-UML, was dismal, they still command considerable political leverage as the second and third largest parties. The Tarai based parties, the Madhesi People's Rights Forum (MPRF) and the Tarai Madhesh Loktantrik Party (TMLP), emerged as the fourth and fifth largest parties in the CA. Unlike the Maoist sweep of the hilly regions, the Tarai parties presented an effective challenge to the Maoists as well as to other parties in the Tarai.

As envisaged by the rupture mode of transition, the progress of Nepal's transition has been hampered by various factors, leaving the prospects for consolidation of democracy

highly uncertain. The CA elections have made the SPA parties and the Maoists preoccupied with their electoral prospects. Since the CA elections, cooperation between the major political parties, especially between the Maoists and others, has been difficult, leading to stalemate, confrontation and political instability.

In Nepal's case, one finds validity of both earlier and later experiences of transition from authoritarian rule. Nepal's fourth transition also involved incorporating the insurgent Maoists, who continue to espouse a radical ideology and are backed by organized cadres and militia. O'Donnell and Schmitter's clear determination of the unlikely consolidation of democracy in situations where the radical political forces hold sway does appear relevant to explaining the divide between the Maoists and other political forces. Repeated assertion by the Maoist leaders of their ultimate objective of capturing the state and completing their revolution has deepened the political divide.

Moreover, the Maoist demand for the integration into the Nepal Army of thousands of their combatants currently housed in cantonments has caused serious rift between the Maoists and the military, which finds support for its position from most of the non-Maoist political parties. The Nepali army as well as Nepal's other political parties see the Maoist demand as a ploy to undermine the army and undermine the Nepali state with a view to eventually stage a Maoist takeover.

The Maoists' role in Nepal's latest transition has also been very transformative. This contradicts earlier assertions in the modes of transition literature that radical forces are always counterproductive as far as the emergence of a democratic regime is concerned. It is undeniable that the Maoists of Nepal played a critical role in the success of the April 2006 movement. The Maoists also launched an unequivocal campaign for the abolition of monarchy and the declaration of a republic along with their persistent demand for CA elections. Nepal's other political parties followed the Maoists lead on these critical issues.

The Maoists are not only aware of their instrumental role in Nepal's political transformation but are also committed to outsmarting the other political parties. Distrust between the Maoists and other parties have grown wider as the Maoists have violated the terms of the peace accord and sought power by any means possible including violence and extortion. The Maoists' winning of the largest number of seats in the CA elections further boosted their confidence to pursue a radical agenda.

The Maoists, in their quest to advance their interests, have disregarded past agreements and understandings. This has undermined their ability to win over and hold on to partners. This allowed the Nepali Congress-led coalition to stay in power till August 2008, four months after the April CA elections. The Maoists' policy of brinkmanship also led to their ouster from power in May 2009. The Maoists resigned over their failed attempt to sack the Chief of Army

Staff, Rukumgat Katuwal; the move was opposed by most of Nepal's other political parties and external powers including India. The cabinet order sacking Mr. Katuwal was annulled through a presidential decree allowing the COAS to continue in his office. The non-Maoist forces saw the Maoist attempt to remove the COAS as an attempt to speed up the integration of Maoist combatants into the army.

Nepal's attempt to integrate the radical forces of a decade long Maoist insurgency without having made a successful institutional transformation from its authoritarian past makes Nepal's political transition truly unique, and therefore not fitting precisely into any of the existing modes of transition. Yet, with the Maoists' commitment to democratic politics continually under doubt, Nepal's politics has become increasingly polarized between the Maoists and those supporting the building of a democratic Nepali state. This polarization has both positive and negative impacts. On the plus side, it has created greater unity among non-Maoist groups; more than 20 parties are supporting the current coalition that replaced the Maoists. This has raised underlined the need for the Maoists to compromise and play by commonly agreed rules. On the negative side, it has undermined the ability of democratic forces to govern and to complete the task of writing the constitution. Without the cooperation of the Maoists, the political process in Nepal will remain stalemated and conflictual. Moreover, the Maoists' continued reliance on protest politics as well as violence, and its continued threat to usurp power through street protests has pushed Nepal's other political parties into increasing reliance on the military as an insurance against the feared Maoist attempt to overwhelm the state. The row over the COAS Katuwal's sacking clearly manifested this phenomenon. Perhaps the only element that could lead Nepal's current transition process to success is the broad unity between Nepal's internal political forces and the backing of external powers to non-Maoist forces to keep the Maoists from overwhelming Nepal's other political forces and taking over the state. Whether this will eventually succeed in consolidating democracy or renew conflict and civil war remains to be seen.

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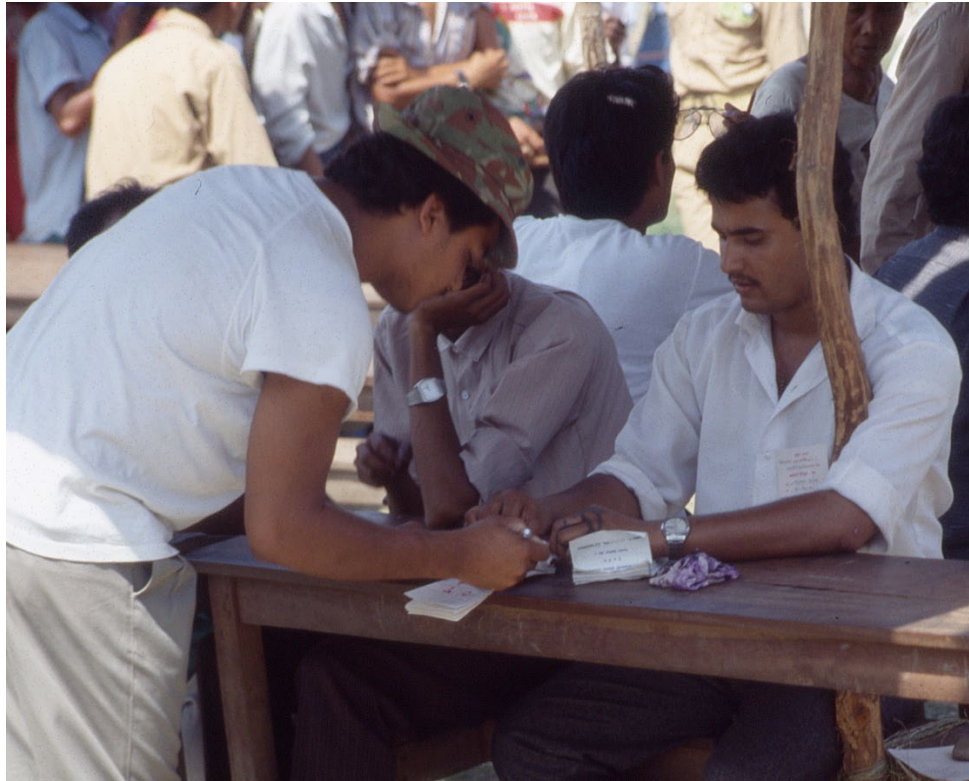
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