

Situation in Nepal and India's Policy Perspective

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Background

Situation in Nepal continues to be unstable with all the ingredients of a crisis waiting to happen, any time. Extension of the term of Nepalese Constituent Assembly (CA) by one year and resignation of Madhav Kumar Nepal soon after was expected to facilitate election of a new Prime Minister. Continuing political impasse on electing a PM reflects the fragmented and fractious nature of the Nepalese polity¹. Two key issues, which need to be resolved after the new PM takes over and before some semblance of stability can be expected to return, are the integration of Maoists and adoption of the new Constitution. Integration of the Maoist cadres is seen as a must before the Constitution can be adopted. Political parties remain divided over 'The Model of the Constitution' and the manner in which the Maoists can be integrated. The UN Mission in Nepal (UNMIN) is also not being seen by Seven Parties Alliance (SPA) and others as absolutely neutral on some of the issues connected with Maoist cadres' integration². Although it is for the Nepalese political leadership to find ways and means to form a government of national unity through a consensus, Nepalese political and strategic elite is looking at the international community, India and China to take initiatives to resolve the present impasse and forge a political consensus in Nepal in order to move towards peace and stability. Even after new PM is elected, the dominant discourse would still be integration of Maoists combatants and writing of the Constitution.

Integration of Maoist Combatants

At current stage of political crisis, integration and writing of the Constitution have become umbilically linked. Competing political interests are stonewalling the process. UNMIN is being viewed by SPA and other interests groups as being favourable to the Maoists. Recent acts of vandalism and harassment by the Youth Communist League cadres have exposed their duplicity.

According to the given mandate, 19,602 Maoist combatants were identified to be integrated into security forces, subject to meeting the laid down norms. Their integration into security forces did not automatically imply their entry into the Nepalese Army (NA) also. However, it included all kinds of other security forces, like Armed Police, newly created Nature Conservation Force, Industrial Security Force and Border Security Force. Cadres which could not be integrated were to be rehabilitated and given suitable package and work in the civil society.

To oversee the above process a Special Committee comprising of two members each from major political parties like CPN (UML), CPN (Maoist) and Nepalese Congress (NC) was constituted. Further, a 'Technical Committee for supervision, integration and rehabilitation of Maoist combatants' was organised as a link between the Maoists combatants in the camps and the Special Committee. Technical Committee was to look at creating conditions for implementing, both, the integration and rehabilitation process and adoption of the Constitution. Broad tasks included: -

- (a) Creation of a link with Maoists combatants
- (b) Deciding on their code of conduct in the cantonments, post UNMIN scenario.
- (c) Defining command and control, which would be different from the present set up; where the Maoist combatants in camps report to their own commanders.
- (d) Most important issue pertains to the disposal of "containerised arms". In short, recommend how to handle the Maoist combatants after the expiry of UN mandate in September 2010.

Based on the above mandate, a 112 days plan was made. Broad parameters were :-

- (a) Identify how many of the 19602 Maoist combatants were to be integrated in the security forces - and how were the balance to be rehabilitated.
- (b) Working out the cadre structure in terms of officers and other ranks. It should be noted here that, post confinement in camps, Maoist combatants organised themselves into seven divisions and 21 brigades with an unheard ratio of 1 : 3.5 between Officers and Other Ranks - the normal ratio being 1:30. Evidently, this was designed to gain unfair advantage and to create impediments in smooth execution of the integration process.
- (c) After arriving at the number of the cadres to be integrated into NA they were to be sent to various training centres for training.
- (d) In so far as weapons were concerned, they were to be taken over by the Special Committee and their disposal was to be decided subsequently.

The most important aspect of the mandate was to initiate the process of integration and to create conditions for promulgation of the Constitution. However, the whole process has floundered in the absence of political consensus. Post Copenhagen summit, the then Prime Minister Madhav Kumar Nepal had made another attempt and drafted a 60 day implementation plan but this too got mired in controversy due to lack of consensus. The Maoists did not attend the meeting called for the same purpose. Some of the basic issues impacting the integration process are:-

- (a) The UNMIN refuses to provide the exact number of Maoist cadres present in the camps. A large number of cadres have left the camps but they are still being paid. Nepalese government is seeking their accountability but the Maoists refuse to discuss this issue.
- (b) Non-acceptable cadres were asked to leave the camps after putting together a rehabilitation package jointly by the

UNMIN and the integration committee. The cadres were to be paid Rs. 20,000 per month. This was not accepted by the Maoists. Some of the Maoist cadres left the camps and others came back to claim the package. However, the money is still being paid to all the Maoist cadres without verification.

(c) On the issue of integration, the salient issues are induction of the Maoists combatants not only in the NA but also into other security forces. The NA is not in favour of dilution of criteria or standards for such induction. An additional requirement is that the officer to other ranks ratio, while integrating them, should be as per existing norms. Another important issue in the integration of the Maoists into the NA is that it should be restricted on the number of serviceable and military class weapons only. Local or obsolescent weapons held and kept in 'containers' in the camps should be ignored. Further, the basis for integrating 19602 Maoist combatants is also being questioned, through some statements attributed to Prachanda.

Options for Integration

As far as the NA is concerned their leadership believes that integration of Maoist combatants is inevitable. However, it has to be based on certain norms. It has to be restricted to the minimum - with the rank and file split into various units of the NA. The integration of Maoist cadres can neither be in bulk nor can they be integrated as composite units. The maximum number that the NA may be willing to accept is around 4000 Maoists combatants which would correlate to the number of serviceable military weapons held by the Maoists. There is still a strong resentment within the NA against the Maoists. For the same reasons the Maoist combatants are also not comfortable with small groups being integrated into NA units.

The option of integration into Nepalese police or armed police is also complicated, with the civil society groups perceiving that the lawless elements of the society who have been harassing the people and society could now become custodians of law and order. Integration in this case would also be in small numbers and groups. There is also a perception that Maoist combatants' induction into Border Security Force or Nature Conservation Force would create more problems than solving any. Similarly, given their past record, the civil society is also concerned about the large number of Maoists cadres being absorbed. Problem is accentuated by brigades of the Youth Communist League (YCL) cadre, some of whom are said to be already running loose with weapons and intimidating people.

Political Perspective and Drafting of Constitution

All political parties including the Maoists are faction ridden subject to pressures from both within and without, and are pursuing their own narrow sectarian interests. For instance Baburam Bhattarai, although an intellectual ideologue of the Maoists, does not have the mass support base and lacks the charisma of Prachanda. Maoists are powerful as long as they stay united. Bhattarai, the number two in Maoists' hierarchy is being painted by some Maoist supporters as an Indian agent. Within the Nepali Congress, after passing away of GP Koirala, bigger problems loom around as three top leaders are at loggerheads. In this situation, the constitution making may continue to be in limbo until some miracle happens. With GP Koirala gone, a sudden vacuum has been felt even by Maoists, as there is no one to take the lead from the point that he left at the last leg. The absence of a strong and visionary leader stymies the stabilisation process in Nepal. This is reflected in twelve rounds of elections for a PM without any positive results, after the resignation of Madhav Kumar Nepal on 30 June 2010. Maoist chairman Pushpa Kamal Dahal's (Prachanda) withdrawal, on 17 September 2010, from the prime ministerial election has failed to pave the way for formation of a national consensus government to end the almost three month long deadlock. The 13th round of election would be held on 26 October 2010.³

The issue of integration and rehabilitation is coming to the fore because the SPA will not accept next general election till this issue is resolved. Question that arises is: How can one party contesting election continue to have its own armed cadres? Definitely, it would be to the disadvantage of the other political parties, in utter disregard of multi-party democracy. The SPA would prefer minimum integration of Maoist cadres in the security forces, with the balance being rehabilitated in the civil society. An important prerequisite is disposal of weapons from the UNMIN to the Special Committee. There is a perception that in the last elections large number of seats were obtained by the Maoists through coercion and intimidation. For this, India is being blamed for persisting with the elections without Maoists cadres being disarmed. Repetition of the same is not acceptable to the non-Maoist parties.

The general impression among the Nepalese elite and political classes is that the current political impasse is unlikely to get resolved on its own. It would require a third party intervention. In this milieu, India is still the favoured actor despite negative press and perceptions of its past role. They would like India to be pro-active and an honest broker. There would be some risks involved in this but then rewards would also go to the risk-taker. In the absence of any pro-active stance India's competitors were more likely to benefit by default and not through any design on their part. On the issue of Indian developmental assistance, India was expected to be more transparent and people-friendly in implementation of its projects, besides providing for regular maintenance also. Indifference on most of these issues by India had enabled China's developmental projects to be seen in more positive light.

As far as drafting the Constitution is concerned, according to the Adviser to the President of Nepal, India is not taking too much interest. It is keeping itself at a distance from the Constitution drafting process. On the other hand some of the Western countries are taking a lot of interest. This is despite the fact that Nepalese society, culture, education and even legal systems have closer affinity to India rather than any other country.

Several models are under discussion for drafting the Constitution. Maoists are insisting on a federal model based on ethnicity, while the NC and others support formation of states on geographical basis⁴. While NC and CPN-UM favour a Parliamentary Democracy system Maoists support an Executive Presidency. Many other small parties have their own agendas on the issue. Some are against Federalism. There is some degree of revival of sentiment in favour of a Hindu State and Monarchy also. Towards the end of February, there was a general strike in Kathmandu valley calling for a referendum on this issue. Even Prachanda had remarked that "The declaration of a secular state was made in haste", though this remark had put him at odds with his party ideologues and cadres⁵. Thus fragmented and fractious

polity militates against any early resolution of the crises.

Further, even the political parties are not taking much interest in the drafting process of the Constitution, as most of them do not attend the meetings called for the purpose. There are about 19 to 20 areas of difference on the writing of the Constitution; and this can be resolved now that the term of Constituent Assembly has been extended by another year. But what is lacking is a political consensus. Maoists are not amenable to changing their present stance. They seem to be banking on benefiting from any situation of increased instability. However, there is also some degree of realisation among the Maoists that India remains an important power broker considering that their coming to power was in many ways felicitated by India.

The NC and other parties have suggested four conditions for a Maoist led government: "return of seized property and land to the rightful owners; transformation of the YCL from its existing para-military structure; clear plans for army and arms management before promulgating the Constitution and a convincing commitment to show the Maoists have transformed themselves to a civilised party and renounced violence." The Maoists may not readily agree to all these conditions but eventually a via media has to be found so that some semblance of stability can be restored.

Indian Efforts and Policy Perspectives

Undoubtedly, the Indian policy makers remain concerned with deteriorating situation in Nepal - a country that is strategically very important for India's geo-political interests. There has been a flurry of visits by the political leadership of both the countries to and fro in recent months. Shyam Saran, the Prime Minister's Special Envoy,⁶ Finance Minister Pranab Mukherjee, External Affairs Minister SM Krishna and Lok Sabha Speaker Meira Kumar have all visited Nepal and exchanged views with Nepalese leadership. Earlier Sitaram Yechuri of Communist Party of India (Marxist) had visited Nepal and held discussions with Maoist leaders. President Ram Bartan Yadav of Nepal visited India on his first foreign trip in February. Similarly SM Krishna was in Kathmandu in February. Thus, India's policy makers have been in intense parleys with Nepalese political leaders for resolving the pending issues.

Actions which need to be taken to restore peace and stability are outlined below:-

(a) There is a degree of understanding that the 12 Points Agreement or 'Delhi Pact' reached between the SPA and Maoists may have to be revisited. There is a need to initiate an intensive dialogue between the SPA, Maoists as also other political parties to ensure that both integration and rehabilitation and constitution drafting process is not delayed further.

(b) The UCPN (Maoist) needs to be prevailed upon to bring the Maoists combatants under the command of 'Special Committee on monitoring, rehabilitation and integration of the Maoists combatants'.

(c) The NA is at a critical juncture. It is undergoing crisis due to lack of training, shortages of ammunition and low morale. It is still deployed in its counter - insurgency posture in difficult and inhospitable terrain and without, at times, any basic amenities. All this while the Maoists cadres are well looked after in the UNMIN camps with all the facilities and they have been training also. The NA remains an important stabilising factor in the current milieu.

(d) Therefore, there is a need to build the deterrent capability of the NA despite the restraints put in place by the UNMIN. India needs to make efforts to upgrade the training levels of the NA. Nepal's Defence Minister had visited China in end March for seeking military assistance in the field of information and communication for the NA. This should strengthen the communication infrastructure of the army to its units spread all across Nepal and enhance its capabilities. If political situation goes adrift only the NA can control the deteriorating law and order situation.

(e) India's development aid of US \$ 250 million announced during Nepal President's visit may not be adequate. It needs to be supplemented. A pro-active effort to push the development efforts needs to be taken.

(f) The other stakeholders also need to be taken on board. Joint efforts by India, China, the USA and others would go a long way in stabilising Nepal.

(g) India needs to take an active part in forging political consensus and it cannot afford to prefer only the NC or SPA to the exclusion of Maoists. Bringing Maoists on board may become a strategic imperative.

(h) Declaration of Nepal as a Secular State has given impetus to the minority religions and sects to enhance their activities. Mushrooming of madrassas and mosques in Terai and closer to Indo-Nepal border has added to the security challenges for India. Destabilising activities of Pakistan's ISI need to be kept under close watch.

Conclusion

Tenuous political situation in Nepal is a cause for concern for its neighbours in particular and for the region in general. Even in its fourth year after the accord between the SPA and the Maoists, the twin issues of integration and adoption of the Constitution remain in limbo and the process has been postponed again for the tenth time. All the political actors are mostly working for tactical gains without giving due importance to the long term strategic benefits likely to accrue from peace and stability in Nepal. There is a grave possibility of Nepal falling off the precipice into the morass of civil war or anarchy; unless all the stakeholders in Nepal and international community, including India, China and the UNMIN, compel the warring parties to come to a consensus on the future of Nepal.

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