

## THE CRISIS IN NEPAL: OPPORTUNITY + DANGER

*Report by*

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- [1] My stay in Nepal 16-20 May was a part of a TRANSCEND mission that originated in a workshop organized by PATRIR/TRANSCEND in Cluj Romania July 2002.
- [2] My stay was impeccably organized by the National Human Rights Commission, in 8 programs. Programs 1 and 7 took the shape of the Rishikesh Shaha Memorial Lectures, with extensive discussions, for distinguished audiences of general intelligentsia, and for the Nepal Council of World Affairs. Programs 2-6 took the shape of dialogues with major actors such as leaders of political parties, NHRC Staff & Human Rights Volunteers, ongoing peace negotiation facilitators, government secretaries and chiefs and senior officials of army and police forces, members of peace negotiation teams of HMG and Maoists (in two separate sessions). The last day included an evaluation meeting, discussing follow-ups, with NHRC.

I have rarely experienced such a flawless organization, all worked out as programmed, with punctuality. My deep gratitude goes to the Right Hon'ble Nayan Bahadur Khatri, Chairperson, NHRC, to Hon'ble Sushil Pyakurel, NHRC, to Kedar Paudyel, Secretary, NHRC, to other staff members, and to UNDP and Resident Representative Dr Henning Karcher who himself, within Program 7, put forward a major proposal.

- [3] I have also rarely experienced a situation embodying so well of the Chinese character for crisis quoted above. In numerous situations the mediator is confronted with a clear bias either toward opportunity, or toward danger=violence. In Nepal there is a balance. The "system" may fall down either way, but there is an unfortunate dynamic toward danger, perhaps mainly through default.
- [4] In this brief report the following two pages are devoted to the conflict formation in Nepal; the key parties and their broad goals, and the issues/contradictions that have surfaced. Posited against each other is a basic change oriented party that uses direct violence, and a status quo oriented party upholding major structural violence, adding direct violence; with most others scared, apathetic, inactive, waiting. The situation is serious.
- [5] The argument that to engage in action would be to reward the direct violence of terrorism is as misplaced as the argument that inaction would be to reward the structural violence of status quo. This is not a question of pleasing or displeasing parties. There is much suffering in Nepal because of repressive, exploitative structures, violence and fear. Action should be for the sake of those who suffer, to reduce dukkha and to increase sukha. This is politics in the best sense of that word. The manoeuvring of the actors, the alliance-formations, who

gets what out of the struggle is politicking; indispensable, but no goal in itself. What is needed is to rise to the occasion, and address the very real issues.

### **THE CONFLICT FORMATION I: THE PARTIES**

- [6] The two letters M and K will be used for the two major parties, where M stands for CPN(m), Maoists, possibly with some support from other revolutionary movements in RIM, but not China; and K for the King as manifested in HMG (His Majesty's Government) and RNA (the Royal Nepalese Army). In this powerful party there is also a strong element of India up front with the USA-UK behind, possibly training RNA for a violent, "final solution". Right now, after seven years of fighting, neither has been able to defeat the other. There is some kind of stalemate, which has led to cease-fire negotiations about ending direct violence, not to be confused with peace negotiations reducing the structural violence.
- [7] If the two parties were alone the situation would have been even worse. Both parties would have used a ceasefire to prepare the next battle. Given the geography of Nepal and substantial popular support that battle could be very protracted. But it could also end, as when the Dergue defeated the Emperor in Ethiopia in 1974 with a "red terror" ultimately to be defeated. And it could end in favour of status quo and continued suffering.
- [8] Enters the Third Party, TP, vast, amorphous, overwhelmingly majoritarian like in Northern Ireland (85%); underappreciated by violence-oriented journalists more inclined to report violence than to report peace. Some components can be recognized:
- The (mainstream) Political Parties (PP)
  - the civil society (NGO - possibly 2,000 of them)
  - People, in general
  - (Parliamentary) Democracy as a process
  - Constitutionality (monarchic) as a process

In general TP stands for basic change and peace by peaceful means.

- [9] The frequently mentioned events of October 3/October 4 2002, against the background of the June 2001 Royal Palace Massacre, seem to indicate that PP may not have been up to their task as the operators of democracy (not ready for elections), and K not up to the task as guardian of the constitution. Hence a political limbo that possibly may be overcome by both parties exchanging regrets.
- [10] M and K are strong and dominate the scene partly because TP is weak. Three processes would change the situation immediately:
- ⇒ PP get their act together in a strong program for social change, inviting M and K to join the roundtable talks, creating with M an interim government, and a process for revising the constitution. They could also be triggered into such action by People turning to the streets, and/or by strong civil society pressure.
  - ⇒ A statement from M of allegiance to parliamentary democracy.

⇒ A statement from K of allegiance to constitutional monarchy.

- [11] Genuine negotiations, about both cease-fire and peace, with dialogue, give-and-take and creativity, must get off the ground.
- [12] Joint cooperative action by M and K, like disarmed soldiers on both sides cooperating in health camps, building schools and roads, would be highly meaningful, useful and symbolic.
- [13] Do all this ([9]-[12]) and peace will come to Nepal.

**THE CONFLICT FORMATION II: THE ISSUES, CONTRADICTIONS**

- [14] All human societies are cut across by fault lines located in the deep structure, like tectonic plates, creating "socio-quakes" when moving. Massive structural violence may crystallize across such fault-lines, with sparks and fires of direct violence.
- [15] For the case of Nepal eleven fault-lines are activated, which does not mean they were not there before M went into action:

| FAULT-LINE                   | ISSUE                   | POSSIBLE REMEDY   |
|------------------------------|-------------------------|---|
| 1 Humans/Nature              | depletion/pollution     | appropriate technology  |
| 2 Gender                     | repression of women     | appropriate representation  |
| 3 Generation                 | young people            | appropriate representation  |
| 4 Class: Political HMG, King | parliamentary democracy | constitutional monarchy   |
| 5 Class: Military RNA        | control                 | parliament control of army  |
| 6 Class: Economic            | misery, inequality      | massive uplift from below,<br>land reform, temple land reform, strong cooperative, public and private sectors |
| 7 Class: Culture             | marginalization         | massive literacy campaign<br>sharing of culture   |
| 8 Class: Social              | dalits                  | appropriate representation,<br>economic/cultural measures   |
| 9 Nationalities              | dominant culture        | mother tongue education<br>unitary state<br>devolution/soft federalism  |
| 10 Territories               | misery, inequality      | massive uplift from below   |
| 11 Others/Nepal              | interventions           | reconfirm panch shila   |

Others will have other lists; this is a more general reading from the deep structure of any society; in Nepal out in the open.

[16] Almost all of these are Human Rights issues and should be treated as such. These are not "Maoist issues" but flow from signing and ratifying Human Rights protocols. There are also such issues as violent crimes committed by both sides. They are acts of commission, whereas the human rights issues point more to acts of omission, to something that has not been done (particularly 2, 3, 6, 7, 8, 9 and 10). About the environment, the regulation of political and military power, and the relation to foreign powers there are certainly divided opinion. What is indicated above emerged very clearly in the dialogues and in the media as well. A human rights discourse for the conflict in Nepal is recommended.

[17] The National Human Rights Commission could continue playing a major role in this peace process, and, for instance:

- organize an experimental roundtable with all parties and a human rights discourse with the appropriate processes for the issues, including monitoring of ceasefire processes and of civil-political and socio-economic-cultural rights implementation generally;
- organize a sarvodaya, uplift experiment locally calling on the expertise of Dr Ari Yaratne and the impressive Sarvodaya experience in Sri Lanka, and also on the appropriate technologies of Ashok Khosla's Development Alternatives in New Delhi;
- organize a general conference on peace/human rights interfaces;
- Initiate a Truth and Reconciliation process.

Such initiatives should be taken very soon as time is running out.

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