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# In pursuit of inclusive democracy for a multi-ethnic state: Nepal at the crossroads

- Lawoti, Mahendra, 2005. *Towards a Democratic Nepal: Inclusive Political Institutions for a Multicultural Society*. New Delhi: Sage Publications, pp. 345. ISBN 0-7619-3318-2 (hard cover)

Alpo Ratia

Nepal's Maoist insurgency has already claimed 13,000 lives; the country is in danger of becoming a failed state but the fluid political situation could also open the way to democracy. *Towards a Democratic Nepal* sketches the socio-cultural factors and political dynamics which have led to today's crisis. Author Mahendra Lawoti thereafter assesses the alternatives, and makes recommendations for reforming Nepal's institutions and political culture.

Embedded in the Himalayas between India and China (Tibet), Nepal's difficult topography has helped create a remarkable ethnic and cultural mosaic. Nepal's population of over 22m officially includes 59 ethnic groups, tribes and castes; their members speak some 100 different Indo-Aryan and Tibeto-Burman languages, and practise a dozen different religions. Since the Gurkha conquest and unification of Nepal in 1769, upper caste, Khas-Nepali speaking Hindu males have secured dominance in most spheres of society. Despite attempts at parliamentary democracy since 1951, Nepal continues to suffer from political and economic underdevelopment. The lack of democratic consolidation has serious consequences for Nepal's people.

Political exclusion of the majority, the resulting instability, and possible solutions have been frequent objects of study for Nepal's journalists and social scientists since the 1990s. Some of the most promising writing has come from Krishna Bhattachan and Mahendra Lawoti. The latter's 1999 doctoral dissertation *Democratic Domination* was a critical study of Nepal's constitution of 1990 and its impact on the country's population.

Aiming to advance democracy, Lawoti subsequently studied three topics: the composition of Nepali society and its congruence with the state structure; people's satisfaction with the state and its policies; and conflict management, democratisation and inclusive political institutions. For this he spent 19 months in the field collecting data and interviewing ethnic and political activists. The resulting publication, *Towards a Democratic Nepal* reviewed here, is essentially a bipartite monograph. The first part (pp.19-153) sketches the post-1990 political developments and socio-cultural and legal factors leading to today's impasse, while the second part (pp.154-321) is more prescriptive. It assesses different methods to further dialogue and democratisation, and suggests what kind of constitution and political institutions might best serve the needs of Nepal's multiethnic population.

## Exclusion and majoritarian institutions

Drawing upon Arend Lijphart's worldwide comparisons (1999) of democracies and conflict management, Lawoti notes 'Exclusion is not desirable in a multicultural polity because it perpetuates inequality and injustice and threatens to unleash large-scale ethnic violence' (p.21). The restoration of democracy in Nepal in 1990 allowed dispossessed ethnic groups and castes to voice their grievances and aspirations. They were, however, excluded from participation in governance. The new constitution's establishment of majoritarian institutions (a non-proportional electoral system and unitary state structure under a strong executive) and its discriminatory articles (vis-à-vis language, religion, culture and gender) together ensured continued dominance by the 'CHHEM' (Caste Hill Hindu Elite Male) minority, ie, the 'Hill Brahmins

and Kshatriyas' (*Parbate Bahuns* and *Chhetris*) from western Nepal.

Lawoti's 'Integrated National Index of Governance, 1999' (pp.104-105) reveals the incidence of socio-cultural groups in Nepal's population and in positions of influence (judiciary, parliament, civil services and security forces elite, party central committees, etc). The CHHE constituted 32% of the population, but CHHE males held 67% of influential posts. In contrast the *Dalits* ('untouchable' Hindus, 9% of the population) held 0%, the *Madhesis* (southern Tarai Hindus and Muslims, 31%) held 11%, while the *Newars* (from the Kathmandu Valley, 6%) held 15%, and the other Tibeto-Burman speakers (*Adibasi Janajati*, 22%) held only 7% of influential posts.

The exclusion of the majority from governance, discrimination in resource allocation and services, and mounting dissatisfaction led to the radicalization of part of Nepal's communist movement and the rise in 1996 of a Maoist insurgency. The number of deaths directly attributed to the low-intensity civil war may be modest, but Lawoti's 'Preliminary Cost and Benefit Analysis of the Maoist Insurgency' (p.61) shows that the human cost, infrastructure destruction, and political and economic strain for this developing country have indeed been high. Violence by other disaffected ethnic/caste/regional groupings has so far been limited, but Lawoti's analysis suggests worse to come. The time frame studied by the author ends with the dissolution of parliament and resumption of direct rule by the palace in May 2002. Now we see that the government's effective jurisdiction has shrunk to urban centres and the field of operations of its army, while much of the countryside is under the sway of the Maoists. A new development is the hes-

itant dialogue between government, political parties, ethnic groupings, and the Maoists.

## Democratic deliberation, inclusive governance

In view of Nepal's flawed state structure, civil war and fluid political situation, Lawoti declares 'It has become imperative that major political institutional reforms be carried out in Nepal to bring the Maoists into mainstream politics, if not for other reasons' (p.194). The Maoists have repeatedly demanded a constituent assembly to draft a new constitution. Lawoti favours this also, provided the transition process is democratic in line with Robert Dahl's (1989) five crucial requirements: inclusion of socio-cultural groups, their effective participation, equality in voting, etc. Lawoti adds to this a conflated version of Krishna Bhattachan's four-step process (2003), now in three enabling steps: preliminary round table conferences, a constituent assembly, and popular initiatives. If the Kathmandu-centric elite does not become sensitized to the grievances of marginalized groups, then its opposition to major reforms risks being overwhelmed by ethnic mobilization – or by losses on the battlefield.

Part IV (pp.227-300) promises to be a significant stimulus to political discourse in Nepal. Here Lawoti compares the functioning of federal institutions and practices worldwide in multicultural societies (Switzerland, India, etc), and then advocates ethnic federalism for Nepal. This would entail a multilevel, asymmetrical federalism with mechanisms such as a bicameral parliament including a powerful House of Nationalities, plus territorial and non-territorial units, sub-autonomy within autonomy, and self-determination for regions. Autonomy would be granted primarily on the basis of ethnicity/caste, secondarily on that of language. Whether groups are concentrated or not within a region would determine whether they can form a territorial unit. Territorial units are recommended tentatively for 16 socio-cultural groups (*Limbu, Magar, Maithili*, etc), non-territorial units for ten groups (*Dalits*, women, etc.), and sub-autonomy with special privileges for eight groups (*Raute, Walung*, etc.). Further measures to protect small minorities would include proportional electoral methods plus affirmative action and reservation policies, and anchoring minority rights protection in the constitution and reforming the Constitutional Court to better reflect Nepal's multi-ethnic society. The book ends with a plea that during these exceptional times, the opportunities for accommodation and power sharing must be seized.

## In conclusion

*Towards a Democratic Nepal* is an important book which should be of interest to three different readerships: first, scholars in Himalayan, South Asian and

development studies; second, development agencies and friends of Nepal, but most of all Nepal's own civil society, progressive politicians, policy makers, and journalists. The monograph is well-written and carefully reasoned. Printing errors are few. Researchers will appreciate the extensive up-to-date bibliography (pp.322-336), even though the index is useful only for authors and political institutions. The author's expertise is apparent in his informative analysis of the rise of Nepal's Maoist movement (pp.38-64), of Nepal's socio-cultural cleavages (pp.87-102), and in his trenchant critique (pp.113-138 ff.) of the country's constitution.

Lawoti's book presents a wealth of constitutional and institutional reform proposals to stimulate research, thinking, and action. The author draws upon many political scientists' theories of democracy and institutional models, some of which he seeks to creatively adapt. Moreover, he makes use of cross-cultural empirical studies, because 'The aim in Nepal should be to learn from the experience of other societies and refine the public policies to suit the local situation' (p.284). Recognising that situation's fluidity, the author takes a measured and flexible approach. He makes clear which reforms he prefers and why, but other alternatives are acknowledged, and their sequence, relative advantages and viability are discussed against the backdrop of Nepal's realpolitik.

Certain omissions should stimulate further exploration. Because Nepal is one of the world's poorest countries, the problem of capital accumulation probably needs to be solved before the creation and operation of a complex network of federal institutions becomes feasible. The promotion of tolerance, development of a democratic culture, training of qualified administrators, and standardisation of regional languages all take time. These may also be prerequisites to the efficient functioning of federalism in a diverse multiethnic state. Hopefully Lawoti will address these issues in his future writings. The stakes are high, and the degree of inclusive democracy achieved will depend upon the level of understanding of Nepal's leaders and the evolving balance of political forces. ◀

Alpo Ratia is affiliated with the University of Helsinki. His articles in Himalayan, Indo-Tibetan and Buddhist studies have appeared in periodicals in Asia and Europe, including the *Tibet Journal* and *Acta Orientalia*. He served as editor of *Ensimmäiset kansat* (First Peoples) quarterly, and is currently helping plan the 6th Asia – Europe Peoples' Forum to be held in Helsinki in September 2006.

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