

2003

Report from Kathmandu 2005: Days of Dictatorship: Contesting the Culture of Democracy in Nepal

Mark West

Follow this and additional works at: <http://digitalcommons.macalester.edu/himalaya>

Recommended Citation

West, Mark (2003) "Report from Kathmandu 2005: Days of Dictatorship: Contesting the Culture of Democracy in Nepal," *Himalaya, the Journal of the Association for Nepal and Himalayan Studies*: Vol. 23: No. 2, Article 4.

Available at: <http://digitalcommons.macalester.edu/himalaya/vol23/iss2/4>

This Research Report is brought to you for free and open access by the DigitalCommons@Macalester College at DigitalCommons@Macalester College. It has been accepted for inclusion in Himalaya, the Journal of the Association for Nepal and Himalayan Studies by an authorized administrator of DigitalCommons@Macalester College. For more information, please contact scholarpub@macalester.edu.

MARK WEST

DAYS OF DICTATORSHIP: CONTESTING THE CULTURE OF DEMOCRACY IN NEPAL

Beloved destination to mountain trekkers, aid workers, and Bohemian travelers, Kathmandu and its breathtaking Himalayan range have transformed in recent years from dreams of Shangri-la to fears of the Killing Fields.

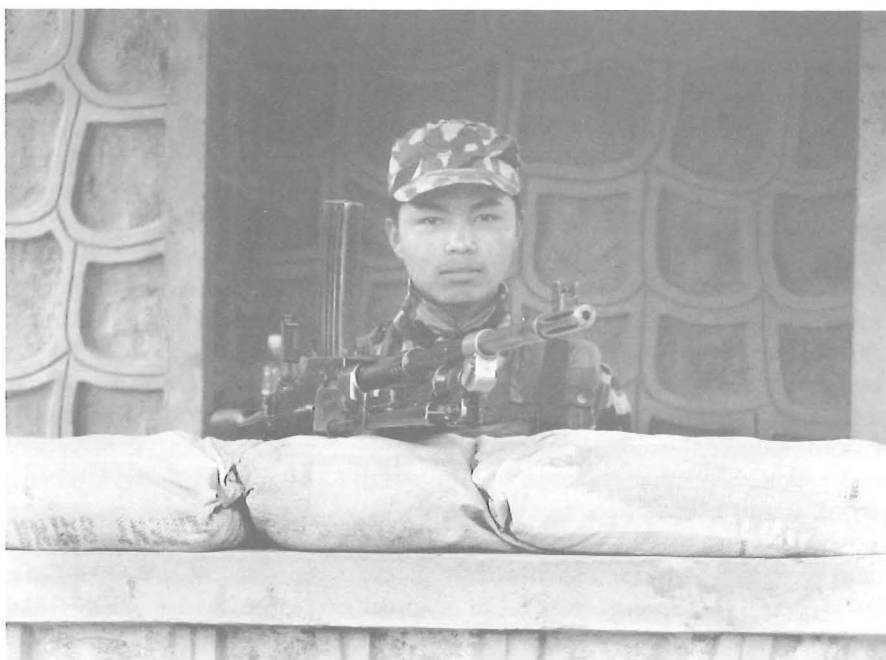


PHOTO: ZUZANA SADKOVA

The Royal Palace in Pokhara is guarded by a young soldier the day of the coup.

KATHMANDU, Nepal – When the shopkeeper in western Nepal pointed to his cell phone, and the signal icon had a red diagonal slash across it, the situation suddenly became quite clear. He said, “No tower.”

This was a helpful way of understanding, after a long afternoon of speculation, the totality of the blackout imposed the morning of February 1st by the new Nepalese government. Even the cellular towers were shut down. On that first day of the reversion from democracy to pre-1990 absolute monarchy, it seemed that the only means of communication available were paper and pen.

Facing an escalating rebel insurgency, growing scrutiny by human rights groups, and international calls for increased transparency, Nepal’s constitutional monarchy took a drastic step away from democratic deliberation and toward radical centralization. By shutting down all telecommunications, save the single state-run television and radio stations, and grounding all domestic and international flights, the

Palace began an unprecedented chapter in Nepal’s modern political life.

Ten days after the royal proclamation, with land-line phone service and Internet access restored under supervision of the army, and movement in and out of the country permitted again, the scope and permanence of the regime’s actions slowly began to emerge. But with the press under state control, and opposition voices outlawed, information in this poorest of nations is now the rarest of commodities.

Beloved destination to mountain trekkers, aid workers, and Bohemian travelers, Kathmandu and its breathtaking Himalayan range have transformed in recent years from dreams of Shangri-la to fears of the Killing Fields. Already on edge by unending violence and economic hopelessness, many Nepalese see King Gyanendra’s power grab as merely inevitable. Most hold their breath and wait for the next move, a move that is coming soon.

The imposition of dictatorial powers arrived at a

dangerous time in Nepal, as the decision narrowly preceded the long looming February 13th anniversary of the Maoist insurgency. The Maoist leaders have declared that the date commences not only the latest bandh, or national strike, as well as a blockade of the central valley, but also signals the beginning of “the final war.” They say that they will move in to “vacate the cities.”

The road from Pokhara to Kathmandu bore testimony just days before the anniversary, as a dozen large trucks and buses were strewn about the highway in smoldering hulks, each bombed by the Maoists for violating another early February bandh. Armored personnel carriers and hundreds of Royal Nepalese Army foot soldiers patrolled the route and its adjacent trails, while scores of checkpoints stopped all passing traffic.

OPPOSITION CRUSHED

The most severe steps taken so far by the King and the Unified Command—Nepal’s army and police forces—were the decisions to attack the state’s public universities. Within an hour of the King Gyanendra’s address Tuesday morning, February 1st, students at Prithvi Narayan in Pokhara gathered on campus to demonstrate against the coup. With some 15,000 students, PN is the country’s largest college, a western Nepal branch of the prestigious Tribhuvan University. It was also the leading edge of the 1989-90 democratic movement. Knowing this history, the army was ready.

According to Ram Bahadur, a former lecturer at the university who asked that his real name not be used in print, the army arrived immediately by helicopter, and stormed the campus. Warnings were given by the soldiers, stones thrown by the demonstrators, and as the students dispersed the army opened fire on those who remained defiant. Bahadur reported that “fortunately no one got killed,” but two students were shot and hospitalized.

Later that night the army arrived at the PN campus hostel and beat 50 students severely. Two hundred and fifty were taken to an army bunker overnight, and after negotiations with the college headmaster they were released to his care the next day. Describing the students’ wounds, Bahadur re-

called: “I saw myself, their faces were so swollen I could not recognize them.”

In a BBC television interview broadcast here, student leaders were also reported arrested at their Kathmandu campuses. These were just some of many “preventive detentions” across the country. Speaking on state television, the new Minister of Information and Communications, Tanka Dhakal, confirmed that five former Prime Ministers and twelve former cabinet ministers had been arrested. Though a few of the former leaders were since released, the remainders’ arrest warrants were said to list three to six month detentions. Up to 500 party chiefs and district officials from all over Nepal are estimated to be into custody, with several hundred more in the southern border districts reported to have fled to India. In total the number of arrests likely exceeds 1,000, and grows daily.

Undeterred by the suspension of Article 12 of the Nepalese constitution, and in turn the criminalization of dissent, some human rights groups have promised demonstrations. They have been met with immediate arrest. In Parbat district, an assistant secretary of the CPN-UML party was taken from his home and charged with possessing documents that denounced the latest royal proclamation. Krishna Pahadi, the founding chairman of the Human Rights and Peace

Society (HURPES), was snatched from his office by plain clothed police after announcing a rally in Kathmandu. When his colleagues continued to plan the demonstration without him, nine more were picked up the following day. One HURPES member, Suresh Chandra Pokharel, a journalist, was arrested while being interviewed by the BBC.

Here in the capital, the only permitted picketers have been those praising the King’s royal proclamation. Their photos have been splashed across the lead pages of the local newspapers.

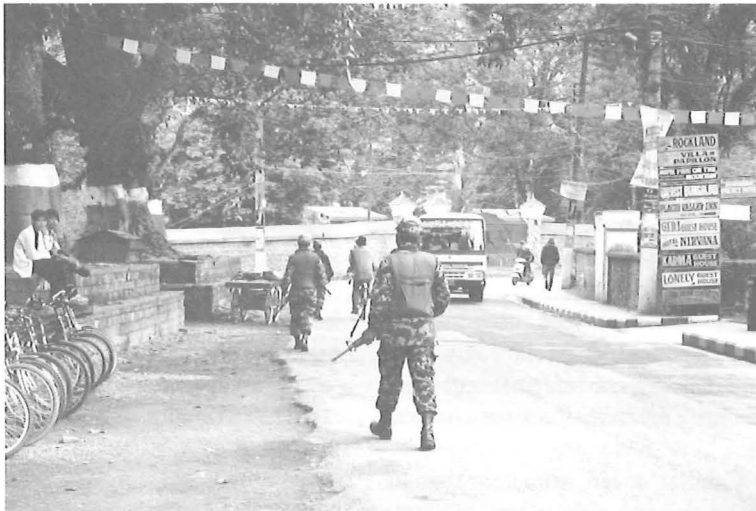


PHOTO: ZUZANA SADKOVA

Soldiers along the lakefront in Pokhara the day of King Gyanendra’s televised royal proclamation.

MEDIA CLAMPDOWN

The coup by King Gyanendra consolidated all power in the Royal Palace for a minimum of three years, and shut down all communications media and free expression rights that



PHOTO: ZUZANA SADKOVA

After a week, Internet service outside the Kathmandu Valley remained shut down by the SCoSA.

might have questioned the move. As the ninth anniversary of the Maoist rebellion arrives, and with it a new and urgent chapter in Nepal's national crisis, the 25 million citizens of this mountainous state have been left in the dark, as have the thousands of Western residents here, Nepal's two nuclear-armed neighbors—rivals India and China—and the rest of the global community. Despite sporadic reporting by the now state-controlled newspapers and electronic media, the watchdog has been essentially defanged and declawed. With the elimination of constitutional protections for the press, and the absence of domestic political issues in the op-ed pages, those desiring facts must themselves become investigative reporters.

Although most telecommunications are again available, the bulk of independent mass media and traditional forms of public discourse are prohibited. All community radio stations, numbering 100 or more, and seen as essential touchstones of village development in each district, have been disconnected. They likely will remain so indefinitely. The Palace now controls all television, radio, and newspapers. Information Minister Dhakal reported that "security personnel" are now present in all media houses to ensure "a unified voice."

In appointing the new Cabinet of ten ministers that he chairs, the King also formed the Sub-Committee for State Affairs, or SCoSA, which is composed of the army and police, and which now oversees all media and enforces the ban on public protest. It was the leader of SCoSA, General Pyar Jung Thapa, who temporarily lifted the block on Internet service providers. Eight days into the coup, in the Kaski district of western Nepal, one cyber café manager shrugged and explained the row of blank computer terminals in her shop: "Army locked server."

Strongly independent channels, such as Nepal-1 Television, have lost their license.

According to the Kathmandu Post, now publishing under

watch of SCoSA and the new cabinet's Information Ministry, a dozen FM stations have been cut permanently and over one thousand radio news reporters have been fired. Another 800 print journalists in eastern Nepal have been laid off, and the army confiscated copies of their publications and proofs from the printers. Cell phone service has been cut entirely, and by all accounts will be out for six months or more.

In the weeks after the royal proclamation, news pieces in the new Kathmandu Post began to describe the state closures of various media. The explanations of press censorship revealed an effort by the state-run publishers to at once admit, and downplay, the new controls on publication. One article about the reopening of several papers in Surkhet district, after ten days of closure, offered a definition of prior restraint: "Chief District Officer Tilak Ram Sharma said no censorship has been imposed on the papers, but the local administration wants to see the computer print outs of the papers before they go to press and keep a record of the news contents...The local administration has said it allows the printing of only those news which do not go against the spirit of the royal proclamation."

Speakers in street forums, one of the most significant traditional sources of news and criticism in rural and urban Nepal, have also been silenced. When the King took power using the national integrity clause of Article 115, he suspended not only all Article 12 and 13 civil liberties including speech, press, and assembly, but due process rights as well. Spontaneous town assemblies gathering to discuss current events have since ended. The renowned Nepali social action drama company, Aarohan, has suspended its prolific work in Kathmandu's streets and in remote villages. Previously staging three or four kachahari forum theatre performances each week, in dialogue with thousands of passersby, Aarohan now must cease its work or risk imprisonment. One company member said he thinks they can continue after six months, when the Article 12 ban on assembly is reconsidered. "Maybe," he added.

Increasing internal and international criticism of Nepal's handling of domestic politics and the civil war was already putting the government to the test. The new crackdown by the King and the armed forces has led India to cancel the February South Asian regional summit in Dhaka, Bangladesh. Postponed already due to the tsunami, the decision to cancel puts great strain on the region, raising strong concerns about neighbor Nepal. This is on the heels of the Asian Human Rights Commission's findings here in January that there was already "zero rule of law" in Nepal.

SEASON OF FEAR

This winter the anxiety of Nepalese citizens and foreign residents alike has grown as a discrete series of

events has finally pushed this young democracy from instability into collapse.

In October the latest Maoist attack found its mark at the American Center. Though no one was injured, the two small bombs were the last straw for the U.S. mission in Kathmandu. Years of sporadic travel warnings by the State Department sharpened after the attack, the U.S. withdrew all its 87 Peace Corps volunteers, and Embassy employee family members were encouraged to leave the country.

A series of international dignitaries visited Nepal from November through January, decrying the ongoing closure of the parliament and the worsening human rights situation. Meanwhile, with tourism rates plummeting as the civil war death toll exceeded 11,000, Nepal's fragile economy has snapped, falling into a deep depression with no sign of improvement.

How Nepal arrived at such a crossroads this winter is not easy to diagnose. Much of the reason for this country's enduring poverty is geographical—landlocked and extremely mountainous, Nepal is wedged between two regional superpowers, India and China, who often exert less than benevolent influence. Another major factor is the failed experiment in democratic rule. Since 1990, the increased transparency of a free society has not ended corruption and upper caste domination, but merely exposed it. Raised expectations of the poor and lower castes were not met, and the insurgency exploits this. Finally, the dominance of international aid groups here has created a kind of local brain drain. According to the outgoing director of Nepal's Fulbright programs, Mike Gill, the donor community and its reliable salaries have taken the country's best and brightest, leaving the government ill-equipped to handle the task of effective governance.

With the King's coup, this struggling democracy appears to have finally collapsed. The morning after President Bush delivered a State of the Union address promising to spread freedom throughout the world, King Gyanendra juxtaposed the measure by delivering his own speech suspending freedom in Nepal. Whether the King's action is a coup, or is constitutionally permitted by Article 115, is open to debate. A plain reading of Nepal's constitution, however, reveals that the King's assertion of "emergency power" carries with it several complications.

First, such an action must be approved by either the House of Representatives or the National Assembly, neither of which have been active in Nepal for well over a year. Second, the action can only be taken for three months, and extensions must be approved by a two-thirds vote of the House or Assembly. In his royal proclamation, King Gyanendra has asserted his control for three years, and his suspension of Article 12 and 13 freedoms for a minimum of six months. There is no clause supporting these particular steps in the national emergency provision. Third, the spirit of Article 115



PHOTO: ZUZANA SADKOVA

A pair of soldiers passes by one of many closed guesthouses near the once bustling Annapurna trekking route.

is that the emergency powers be directed by the Speaker of the House, who will then dictate the length of the emergency powers, and "shall inform His Majesty of such extension." With hundreds of political leaders under arrest, and hundreds more having fled across the border to India, it seems that it will be difficult to reconvene a constitutionally indicated legislature to properly dictate the emergency powers.

While the sentiment that "something had to be done" runs strong among the Nepalese, a sizable number of citizens question the means used by the King. For many, hope exceeds trust when asked about their assessment of the new royal governance.

COUNTER-INSURGENCY UNLEASHED

The King's actions, and—as is increasingly evident—the actions of the newly formed SCoSA, are seen here as a two-pronged strategy for combating the Maoist insurgency. The likely permanent cutting of cell phones is widely understood as an effective tactic to stall Maoist communications in their mountainous regions of influence. The media blackouts and civil liberties suppressions, however, are viewed by many with greater suspicion. They are seen as a broader strategy of crushing dissent and, worse, masking what is now a massive new assault on Maoist affected villages throughout Nepal.

With media coverage of the army campaign scant, a few reports of the newly escalating offensive have begun to arrive with returning aid workers. Kirstine Ronnov Due, a development advisor at a Danish aid agency, described the reactions of several colleagues called back to Kathmandu and told their fieldwork had been curbed indefinitely. Workers from Dhoti and Kailaki districts in the far-west and from Palpa in the west described gunfire, helicopters, and a heavy military presence in what were otherwise non-combat areas. A colleague from Pyuthan in the mid-west told of hours of machine gun fire—unheard of there before the coup. In Kapibastu in the west one co-worker described a difficult route back to Kathmandu because of new rebel roadblocks, and another fled exploding bombs in Bardia district.

With independent news coverage of the war halted, and critical broadcast networks cancelled, the Unified Command can now operate with near impunity. The suspension of due process rights, the ban on free expression, and the reinstatement of preventive detention powers are all traditional indicators of a police state poised to act. The nation's judiciary has thus far proven incapable of handling these challenges. The Supreme Court initially refused to hear a habeas corpus writ for the imprisoned former head of the Nepal Bar Association, Sindhu Nath Pyakurel, declaring that it was "confused" about the details of the royal proclamation. In another case, the whereabouts of Bishnu Nisthuri, head of the Federation of Nepalese Journalists, remained unknown two weeks after his arrest.

Nepal, with its ruling cabinet chaired by the King, and the armed forces holding the reins, is becoming increasingly similar in appearance to its notorious neighbor Myanmar. In its own early days, the actions of the Myanmar junta—originally called the SLORC—showed a resemblance to King Gyanendra's first moves, and to those of the new cabinet's SCoSA. Like the SLORC of Myanmar, Nepal's new regime is focused on an armed rebellion in remote regions, and offers no compromise to non-violent opposition movements.

Those fearing the worst have reason to take pause. Counter-insurgencies have a history of using ruthless means.

Central America in the 1980s was especially bloody, marked in particular by Guatemala's anti-rebel atrocities.

According to documents released at the end of the Clinton Administration by the National Security Agency, Guatemalan military tactics were unflinchingly brutal. Declaring entire swaths of rebel territory "kill zones," army generals ordered that every living person was to be eliminated. Some here feel the same could occur in Nepal. Even if not undertaken by design, excessive military measures may inevitably result due to miscalculation and poor communication among an under trained and poorly equipped army, one unaccustomed to jungle life and uninitiated to international human rights norms.

Three years back, sitting in his travel agency office, a Kathmandu businessman offhand-

edly predicted "another Cambodia." This February, Canadian ethno-ecologist Jim Woods, who has spent the better part of the past two decades living in remote Maoist occupied communities here, guessed that "it already has." Speaking from western Nepal, in a trailside mountain teahouse, Woods asserted: "The day the King took power, the army began."

Former Privthi Narayan campus lecturer Ram Bahadur agreed. "Sure, the army will be much, much stronger." Speaking of collateral damage in the villages, Bahadur said that the fighting will intensify "because the King has come to the ground from his throne, come down to the battlefield."

MORTALLY WOUNDED CONSTITUTION?

Many Nepalese are relieved to have action taken decisively at long last. The civil war and the failings of the government at all levels have simply dragged on too long. One Pokhara resident, who fled the Chinese invasion of Tibet in 1960, was supportive of the King's power grab. He emphasized that "without peace you can have nothing. You cannot even breathe peacefully."

Other residents of the quiet lakeside community, in the shadow of the stunning Annapurna mountain range, disagreed, sensing that this is the wrong direction in a desperate time. While watching one of the many rebroadcasts of the royal proclamation, Chandra Kanta nodded in empathy at the King's references to political party corruption and incompetence. After the address, however, he scowled. "He is not democracy."



PHOTO: ZUZANA SADKOVA

A shopkeeper passes the time during yet another bandh in Thamel.

This is not the first time King Gyanendra has acted to emphasize his position within the constitutional monarchy. In 2002, a year after the mysterious palace massacre that took the life of his brother King Birendra, and ten other royal family members, Gyanendra also asserted his power. Firing the cabinet, and appointing his own group of ministers, his action was greeted by widespread street protests against “reversion” to monarchy.

Now the reversion is complete. What was two years ago a constitutional exercise to fix a broken government has now become an excising of nearly all constitutional rights and procedural remedies. Hundreds of local and national political leaders, senior lawyers, reporters, and student leaders are under arrest, awaiting their fate. Would-be protesters are threatened with years of jail time. While the royal proclamation did not completely eliminate habeas corpus—the keystone of free republics enshrined in the Magna Carta—observers watch expectantly as the hobbled legal system considers these writs.

A constitution is an unusual thing. India’s is an example of flexibility and forethought. Written by B.R. Ambedkar, who was born into the Hindu castes of untouchables, and who rose up to become a lawyer and the father of his nation’s legal system, the Indian constitution is a survivor. It has weathered vast communal riots, major regional wars, caste strife, and independence movements. Ambedkar cautioned his legal progeny on the care required of a constitution: “Whether it would turn out good or bad would ultimately depend on the men who worked it.” The men and women of Nepal today face such a choice, but as yet are constrained in their movement of body, of voice, and of mind by a dictatorship and by fear.

One such person who knew how to work a constitution was U.S. Representative Barbara Jordan, who served on the House Judiciary Committee’s investigation of President Nixon. Referring to the Oval Office’s initial crimes and the ensuing obstructions of justice, Jordan asked whether we were ready to “take that Eighteenth Century document and run it through a Twentieth Century paper shredder.” In Nepal this February, such a communication device appears the only one working properly. Yet hope persists that the monarchy’s actions are temporary, and indeed could bring a needed infusion of social well-being into this small nation which has borne such an unusually heavy burden of late.

Those mourning the passing of civil liberties here resist the temptation to trust the state, and to let go of their hard fought gains. For them, it is difficult to imagine a democracy that would cut all communications in a country. Curfews, bans on domestic and international flights, and temporary control of all radio and television are conceivable steps during an acute national catastrophe to centralize information flow. To cut all phone lines, all Internet, seize control of editorial boards, and

then indefinitely lift civil liberties and due process rights, however, seems a separate and grave measure.

When the BBC was finally turned back on in western Nepal several days after the coup, and carried news from the streets of Kathmandu, it reported on the night raids of university dorms, and quoted one student leader who dared to face the camera. As soon as they reconnect the phones, he said, “We’ll fight.” By the third week of the new government, such a student movement had failed to materialize. The only demonstration reported in the city so far was that of 20 CPN-UML members who shouted slogans and tossed pamphlets into the air, before escaping from security personnel down winding alleyways minutes later.

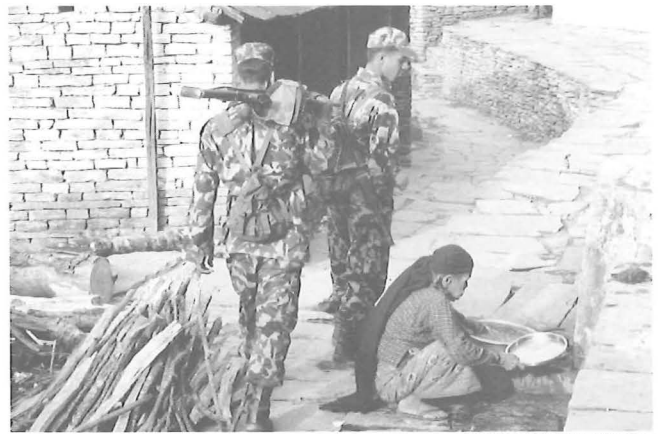


PHOTO: ZUZANA SADKOVA

A Gurung grandmother washes dishes as an army patrol passes through her village in the western district of Kaski, one week after the coup.

The BBC reporter ended her story with a prediction of uncertainty, that the King’s action either will result at long last in order “or chaos.” To the democratically-inclined, watching the ninety-second news report was a brief and fleeting moment of sanity here. It was also a reminder of James Madison’s admonition that “a popular government without popular information is either a prologue to a tragedy, or a farce, or both.”

Former university lecturer Ram Bahadur updated Madison’s axiom during the week of the coup, when he opined that “the alternative to democracy is democracy.” Fresh from a visit with his former students, battered and bruised but recovering, their mentor looked across his desk in dismay. “Dictatorship doesn’t have a place in the 21st Century,” he insisted, “but this is the 21st Century.”

Mark West is a Human Rights Field Mentor at Stanford Law School and a Fellow at Northwestern University. He has done research and advocacy work in South Asia over the past several years. This essay is based on extensive interviews and on reports from the local and international press.