

New constitution triggers political turmoil in Nepal

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Nepal has plunged into another political crisis following the adoption of a new constitution. President Ram Baran Yadav signed the constitution on September 20, after 508 members of the 601-member Constituent Assembly (CA) approved it five days earlier.

Members of the ruling Nepal Congress (NC) and Communist Party of Nepal-UML (CPN-UML) coalition, as well as of the opposition Unified Nepal Communist Party-Maoist (UNCP-M), voted for the constitution, but 25 members of royalist parties opposed it and 66 ethnic Madhesi representatives abstained.

No date has yet been set for the implementation of the constitution, so the interim government led by Prime Minister Sushil Koirala continues in the country of 28 million people, wedged between India and China.

Madhesi parties are demanding greater autonomy for Madhesi and Tharu people in the southern plains bordering India and increased representation in the parliament. Protests called by the ethnic Madhesi Democratic Front (MDF) and Madhesi Janadhikar Forum-Loktantrik (MJF-L) have claimed more than 40 lives so far.

Compounding the crisis, India has effectively backed Madhesi protests, calling on the Kathmandu government to address their demands. New Delhi, though denying any blockade, has imposed an unofficial ban on supplies, including fuel, to Nepal, citing fears of unrest. Landlocked Nepal depends on routes across the Indian border for imports.

The protests have also resulted in a rift within the UNCP-M. Former Maoist Prime Minister Baburam Bhattarai quit the party and the parliament on September 26, expressing sympathy for Madhesis. Though he voted for the constitution, he said Madhesis

were “denied a say” in formulating it. Bhattarai is seeking to form a new party to exploit the crisis, under conditions in which the credibility of the established parties, including the Maoists, has sharply eroded.

The Constituent Assembly was established in 2008, two years after the Maoists abandoned their guerrilla war and joined the other capitalist parties to scuttle mass protests against former King Gyanendra’s autocratic rule. The monarchy was abolished and an interim government installed, promising a new constitution in the near future.

The establishment parties, however, wrangled for seven years to protect their various interests, frequently postponing the finalisation of the constitution. They hurriedly decided to end the quarrel out of concern for the explosive social situation after deadly twin earthquakes in April and May deepened the misery of workers and the poor. The quakes killed nearly 9,000 people, injured thousands and destroyed many homes and livelihoods.

Under the new constitution, Nepal has been named a “democratic republic,” with seven provinces and a federal parliament. The prime minister will exercise executive powers, with the president playing a largely ceremonial role. The constitution seeks to refashion the capitalist state in order to overcome protracted political instability and attract foreign investment.

The document strengthens the state apparatus of the army, police, armed police and other security organs and provides for draconian measures. If a “grave emergency arises in relation to the sovereignty or integrity of Nepal or the security of any part thereof,” fundamental rights can be suspended under emergency regulations, with blanket immunity given to the security forces.

Under the monarchy, emergency measures such as

the Prevention of Terrorism and Disruptive Activities Act were used to suppress the Maoist insurgency between 1996 and 2006, during which the armed force killed nearly 15,000 people and hundreds more disappeared.

Other reactionary provisions in the new constitution include making religious conversion a punishable offence and denying citizenship rights to the children of women who marry foreigners. Nothing in the constitution addresses the democratic or social aspirations of the working class and rural poor in this poverty-stricken country.

Apart from calling for two autonomous states, the Madhesi parties' other demands include the provision of 83 seats in the 165-member parliament, and reservation of posts for Madhesi and Tharu officials in the administrative, security, judiciary and diplomatic services. They are also calling for an independent commission to inquire into killings and punishments carried out by the security forces.

While the Kathmandu ruling elite systematically discriminates against ethnic minorities in Nepal, the campaign led by the communal parties represents the interests of privileged social layers, not the democratic and social rights of workers and the poor.

The Indian government, seeking to bolster New Delhi's influence in the country, has intervened into the crisis, putting enormous pressure on Nepal to halt the new constitution's adoption until the Madhesi parties are satisfied. On September 19, Indian Prime Minister Narendra Modi sent Foreign Secretary S. Jaishankar as his special envoy to meet Nepal's leaders, including President Yadav and Prime Minister Koirala.

According to media reports, India proposed seven amendments to the constitution, including a clause providing Madhesi with parliamentary seats proportional to their population. The Indian foreign ministry denied suggesting such amendments, but issued several statements warning of widespread protests in Nepal. "We had repeatedly cautioned the political leadership of Nepal to take urgent steps to defuse the tension in these regions," it stated on September 22.

Nepal's Industry Minister Mahesh Basnet has accused India of "an unofficial economic blockade." India has denied any obstruction, saying the halting of

goods at border crossings was due to unrest, protests and demonstrations on the Nepalese side.

Nepalese people are increasingly facing a scarcity of essential goods, including fuel and cooking gas. To divert the mounting popular discontent, the government and media have responded with anti-Indian propaganda, encouraging counter-protests and violence. Nepal's broadcast operators have blacked out access to 42 Indian TV channels.

Stratfor, the US-based corporate intelligence service, has drawn attention to the underlying conflicts between China and India, which is aligned with the US. It commented on October 6: "India's active role in the dispute illustrates its broader regional strategy. Since South Asian governments opened to Chinese investment and political outreach at the beginning of the decade, New Delhi has made a concerted effort to regain its footing in the region (excluding Pakistan)."

Statfor said New Delhi was seeking to counter China's influence, citing India's economic pressure on nearby Bhutan on the eve of an election and India's support for the ousting of former President Mahinda Rajapakse in Sri Lanka.

Kathmandu governments have attempted to maintain relationships with both New Delhi and Beijing, which has become the largest donor and investor in Nepal. Washington and New Delhi are determined to undercut Beijing's role in Nepal, in line with Washington's strategic, military and economic "pivot to Asia" to isolate and militarily encircle China. Encouraged by the US, India's intervention is destabilising Nepal, and drawing it into the broader geopolitical tensions developing globally.

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