

# Constitutional crisis looming in Nepal

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As the deadline for the Nepali Constituent Assembly to finalise a new constitution approaches tomorrow, hectic negotiations for an extension of time are underway between the government and the Maoists of the opposition Unified Nepal Communist Party (UCPN-M). If the talks fail, the country confronts an immediate constitutional and political crisis.

All Assembly meetings have been cancelled this week to facilitate a deal between the three major parties—the ruling Communist Party of Nepal-Unified Marxist Leninist (CPN-UML), the Nepali Congress (NC) and the opposition Maoists. Yesterday Prime Minister Madhev Kumar from the CPN-UML met with Maoist leader Pushpa Kamal Dahal, but the talks remain deadlocked.

If tomorrow's deadline passes without an agreement, the Assembly, which also functions as the country's parliament, is automatically dissolved. The government is seeking to modify the present transitional constitution to extend the deadline for a year, but that requires a two-thirds majority. To date the Maoists, who have the assembly numbers to block the extension, have insisted on the resignation of the prime minister and the formation of a national unity government led by them.

The only alternative being floated is for the president to declare a state of emergency—a move that would certainly precipitate a political crisis. The Maoists have warned that they will call a general strike if their conditions are not met. Earlier this month, the UCPN-M shut down the capital of Kathmandu in a week-long general strike and protests that forced the closure of most shops, government offices and businesses.

In 2006, the Maoists, who had waged a guerrilla war

for more than a decade, played a critical role in preserving the capitalist state amid widespread protests against the autocratic rule of King Gyanendra. The UCPN-M entered into a peace deal with the seven parliamentary parties and joined the government. Former Maoist guerrillas gave up their arms and were housed in UN-supervised cantonments, with the promise that they would be integrated into the army in the future.

The pledge has been a major source of political friction. The generals who waged the war against the Maoist guerrillas and backed the monarchy are deeply hostile to the integration of their former foes into the army's ranks. The issue came to a head after the Maoists emerged as the largest Assembly party after elections in 2008. Maoist leader Dhal resigned as prime minister last May after President Ram Baram Yadav overruled his decision to remove the then army chief, General Rookmangud Katawal.

The issue is one of the stumbling blocks in current negotiations. Prime Minister Kumar is insisting that the Maoists agree on the number of guerrillas to be integrated. He is also demanding that the Maoists hand back property seized in the course of their insurgency and disband paramilitary groups associated with their Young Communist League.

The army and the government claim that the Maoist Peoples Liberation Army has only 3,000 former fighters, while the UCPN-M puts the figure at 19,000. The numbers are crucial for both sides. The UCPN-M confronts growing discontent from its cadres, who have been languishing in squalid cantonments for nearly four years. The government, which wants to keep the army on side, is intent on minimising the numbers.

After the breakdown of talks yesterday, senior Maoist leader Narayan Kaji Shrestha warned: “The ruling parties are pushing the country to the brink of confrontation and a conspiracy is being hatched to derail the peace process.” Anxious for a compromise, the UCPN-M proposed to resolve all issues in a package that included a constitution and guaranteed integration of former guerillas. According to Shrestha, the ruling parties raised unacceptable conditions, including the extension of the Assembly term and a fixed number of Maoist fighters to be integrated.

The political differences have nothing to do with any concern for the plight of the country’s working people and rural poor. Both sides advocate a pro-market agenda that will only deepen the divide between rich and poor. The divisions reflect growing rivalry in Kathmandu between the major and regional powers. The Maoists accuse the government of being an Indian puppet and want to revise existing economic agreements with New Delhi. The ruling coalition is suspicious of the UCPN-M’s leanings toward Beijing.

Confronting another political crisis in Nepal, the Western powers have been putting intense pressure on both sides to reach a deal. Over the past few days, US ambassador Scott DeLisi has met with the leaders of the three major parties and suggested that Washington would not oppose the formation of a national unity government. After meeting with the Maoists, he told journalists that the UCPN-M could lead such a government as long as it adhered “to the norms of democracy”.

Western diplomats have also called on India and China to play “constructive roles” in ending the current political impasse. The two regional rivals, however, have competing interests in Nepal. India has long regarded Nepal as part of its sphere of influence. It brokered the 2006 peace deal as a means of maintaining its role and containing the threat that the guerrilla war in Nepal was encouraging separatist movements in India itself.

China is deeply concerned over India’s strategic ties with the US and the potential for Nepal to become an element of US efforts to encircle China. Beijing is also

hostile to the presence of Tibetan exiles in Nepal that could encourage further unrest in China’s tense Tibetan region. China has been providing economic aid to Nepal, as well as arms to the Nepali army.

The Maoists are eagerly seeking the support of the major powers. In a meeting of all foreign diplomats in Kathmandu on May 17, Maoist leader Dahal appealed to the “international community” and pledged the party’s support for the existing Nepali capitalist state. “Let me reiterate again that we are fully committed to multi-party democratic competition, press freedom and rule of law,” he declared.

There is no guarantee that any agreement will be reached by tomorrow. The government has placed the security forces on “high alert.” If the deadline passes and a state of emergency is declared, the army will undoubtedly try to exploit the situation to its own advantage.



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