

NEPAL'S INDIA POLICY UNDER COMMUNIST GOVERNMENT IN NEPAL¹

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The evolution of a political party affects its foreign policy. There are different modes of thinking on organizational evolution, concerning relations between official aims and organizational behaviour. The normative approach regards that the goal of the party determines its mode of action. A party, in its formative phase, is undoubtedly treated as an instrument for the realization of specific goals. In the course of its evolution which demands its involvement in exchange relations with most heterogeneous national and international environments, priority of the party is very likely to change from time to time. The oligarchic theory states that a process of "substitution of end" comes about in that "the official ends are abandoned and the organization's survival becomes the real end" (Michels 1962:336). Notwithstanding the lowest common denominator being the survival of the organization, the original goal of the party is closely associated with the identity of the party and also the legitimacy of its leaders. The concept of the "articulation of end" postulates that the original aims of the party is adopted and also pursued sub condicione to organizational needs (Panebianco 1988:16). The correspondence of a party's behaviour to its official aims is constantly reaffirmed by its leaders, but only those course of actions which are compatible with organizational's stability will be selected.

The Nepal Communist Party, Unified Marxist-Leninist (UML), popularly known as ML before it brought about the Marxist faction under its fold in January 1991, declared its foreign policy objective under the broader framework of Nepali "nationalism", directed against the structure of Nepal-India relations shaped by the Peace and Friendship Treaty of 1950. In about 18 years since the formation of this party its role has changed from that of a revolutionary party professing Maoist line of one party dictatorship, to that of the main opposition party after the restoration of

multiparty democracy in 1990, to the ruling party after the general elections to parliament in November 1994. The formation of the UML government had stimulated Nepal's foreign policy, particularly in relations with India. Did the UML's original goal of 'nationalism' continue to guide the foreign policy behaviour of its government? Or would it give up its original objective for the survival of its minority government? Or would it strive a balance between its original goal and survival imperative? This paper attempts to examine the UML government's (November 1994 – September 1995) relations with India. Before analysing the communist government's foreign policy behaviour, an attempt is made here to observe how the UML's foreign policy goal was formed and developed over time.

Ideological Orthodoxy

At the foundation of the ML in December 1978, its ideology was virtually a carbon copy of the Maoist's line of *Naulo Janbadi Kranti* (New People's Revolution). The ideology of the New People's Revolution states that the communist party has twin enemies, feudalism at home and imperialism in abroad. In the context of China, the Communist Party of China had got involved in war against Japan before it captured power. Mao had declared Chinese nationalism directed against Japan as one of the essential components of liberation. Following Mao's model, the ML equated the status of Nepal as 'semi-colonial' and it declared 'expansionist India' as the enemy of New People's Revolution in Nepal.² The communist predecessors of the ML had already demonstrated the perception of the Nepali communists towards India which was highly influenced by the spirit of the solidarity of communist parties of the world. From the late 1940s to the mid-1960s, Nepali communists viewed India as a blind follower of Anglo-America imperialism" (Rose 1965:347).

As elsewhere, Nepali communists too had been affected by the Sino-Soviet rift. The ML belonged to pro-China's camp. It was one of the ardent advocates of China's policy towards South Asia. It was, therefore, critical of the Indo-Soviet treaty of 1971, a deterrent strategy against the expansion of China's role in South Asia. The emergence of India as a regional power and its "dominating and intervening policy" was considered to be a threat to nationalism in Nepal. New developments in South Asia after the Indo-Soviet treaty fueled to heighten the ML's objection to Gorkha recruitment in the Indian army, the open border between the two countries, the "unequal and humiliating" 1950 treaty between Nepal and India, etc. Working

underground due to ban on political parties during the partyless panchayat system, its voice was confined to paper-resolutions passed by the national conventions of the party. The party's front organizations demonstrated their support to the 'nationalist policy' taken by panchayat regime. During the stalemate in Nepal-India relations in 1989-90, the ML was critical against the Indian pressure on Nepal to make the latter abide "by letter and spirit" of the 1950 treaty. It, however, preferred to exploit the situation to bring about the fall of the panchayat regime through mass movement of 1990, launched jointly by the Nepali Congress and the United Left Front (consisting of seven communist parties).

Moderation

Following the restoration of democracy in Nepal, the ML's revolutionary overtures have reduced to pragmatism. It has gradually given up its original ideological orthodoxy and its policies and approaches that have constantly been modified and moderated towards liberalization and democratization. The emergence of the UML as a competitive and contestant in power politics rather than an ideologically hostile force against parliamentary democracy demanded change in its previous orthodox approach towards India. Indeed, in order to facilitate the party's pursuance for broadening its external relations beyond fraternal relations with communist parties of the world, it started using "friendly neighbour" instead of "expansionist" for India.

The moderation of the UML's outlook towards India, however, did not mean substantial change in its stand for restructuring Nepal-India relations. It continued demanding the replacement of the 1950 treaty by a 'no-aggression pact'.³ Besides, the party documents, i.e. resolutions and election manifestos, also reiterated its long demand for controlling the open border between the two countries and also its concerns on several other bilateral issues i.e. trade, transit, water resources, Indian immigrants. It felt that India was "insensitive to the national interest of the Nepali people"⁴. As the major opposition party in the first elected parliament after the restoration of democracy in 1990, the UML viewed that the performance of the Congress headed the interim government and Girija Prasad Koirala's government concerning relations with India to be quite disappointing.

The joint communique signed between Nepal and India on June 10, 1990 during the visit of interim Prime Minister Krishna Prasad Bhattarai was, in fact, a prelude to the reinforcement of traditional relations between Nepal and India against the 30-year efforts towards neutralizing such relations by

the pachayat system. For the restoration of status quo ante to April 1, 1987 with additional concession for reducing value content from 80 to 65 percent on Nepalese manufacture exports to India, Nepal reaffirmed the validity of the 1950 treaty and the 1965 arms supply accord; accepted India's first policy on trade and development, and also the property right of Indian citizens in Nepal; removed the work permit system; and renounced the peace zone proposal.⁵ This joint communique worked behind the stance of the communists. However, while making the new constitution the communists insisted on provision of the ratification of treaty or agreement of long term effects by a two thirds majority of the joint session of parliament. The representatives of the communist parties in the Constitution Recommendation Commission declared that three factors had guided them to insist on this provision. One, the Nepali Congress would form the government after the general elections in 1991; second, the Nepali Congress was basically a 'pro-India' party; and last, India was not sensitive to the national interest of Nepal.⁶

Prime Minister G.P. Koirala's visit to India in December 1991 brought new controversies in bilateral relations specially on the Tanakpur barrage issue. The UML accused the Congress government for 'selling-out' to India on this issue. It challenged the government to follow the constitutional provision of treaty ratification by a two thirds majority of the joint session of parliament in regard to the Tanakpur issue. The mishandling by the Congress government of the Tanakpur case along with its failure to get India's cooperation in resolving the problem of Bhutanese refugees and the intrusion of armed Indian polices in Kathmandu were some of the sensitive issues the UML capitalized against the Congress government and also against India. In sum, from 1990 to 1994, the UML as a major opposition party, propagated about the image of Prime Minister G.P. Koirala and India to be insensitive to the national interest of Nepal. Exploiting the anti-India sentiment in Nepal, the UML propagated against the Congress and India during the general elections in 1994. Its candidates, particularly its president Man Mohan Adhikari went in record to stating that ... "If the Congress won the November 1994 parliamentary elections, it would convert Nepal into another Sikkim ..."⁷

Implementation

The UML with its 88 seats in the 205 members House of Representatives formed a minority government after the general elections in November

1994. Its election manifesto 1994 stated, "Unequal treaties and agreements shall be repealed and/or renewed for mutual benefit".⁸ Would it succeed in translating its promise to change in Nepal-India relations into reality? During visit of Deputy Prime Minister Madav Kumar Nepal (who holds the defence and foreign portfolios) to India on February 6-10, 1995, Nepal has opened up issue for restructuring bilateral relations. The UML's long demand for work permit system, control of open border, no-aggression pact, and the abolition of Gorkha recruitment system etc. did not specifically figure in his talks with Indian leaders. But the official proposal for a review of the 1950 treaty was understandably aimed towards a quest for change in the gamut of bilateral relations between Nepal and India. Some of the specific points requiring reappraisal or consideration that Deputy Prime Minister of Nepal raised during his meeting with India leaders were as follows:

- Review of the 1950 treaty (Articles 2, 6 and 7 of the treaty that provide for joint defence arrangement and equal treatment of the citizens of one country in the other).
- Package deal on the Mahakali river that consists of Sharada, Tanakpur, Pancheshower, and Chandari-Dodhara projects on the basis of equal cost and benefit sharing.
- Alternative transit routes for landlocked Nepal to Bangladesh via Phoolbari and Radhikapur, India.
- Further reduction in the proportion of indigenous content requirement in Nepali manufacture exports to India.

It is believed that the state of relations between Nepal and India in the coming days will be relatively different from that of the past. Some new factors are emerging in Nepal in favour of change in bilateral relations between these two countries.

Changed Situation

While urging an update of the 1950 treaty, Deputy Prime Minister Madav Nepal used a phrase 'in the light of changed circumstances'. This recalled the situation when the 1950 treaty was signed between Nepal and India. Aside of many factors, the treaty was mainly a product of putting together of various interests of Nepal and India- specifically India's threat perception from China and survival interest of the Rana regime in Nepal- in one

basket. The end of the cold war and increasing cordial relations between India and China has changed strategic dimension of South Asia from that of 1950s-70s'. Advocating that Nepal-India relations should also be reviewed to match with emerging global and regional developments it is said that "geo-strategies are prone to change depending on evolving situation".⁹ So far as the regime survival interest of Nepali rulers is concerned, there is consensus among the major political forces in Nepal on the present political system based on multiparty parliamentary democracy. How much India can influence the domestic politics of democratic Nepal may be a subject of debate. But, India has no longer 'anti-regime' card as during the panchyat days to brandish over the Nepali rules due to national consensus in Nepal on the basic rules of the game of politics. In this changed context, popular opinion in favour of change in the age old relations between Nepal and India is gaining ground.

Public Opinion

Public opinion in Nepal is in favour of change in Nepal-India relations. Democracy is a system of translating public opinion into public policy. The Nepali Congress obviously missed an opportunity to be seen as being responsive to public opinion in the country, concerning relation with India. The UML, on the other hand, had repeatedly highlighted its demand for restructuring Nepal-India relations. By its nationalist image, the UML has succeeded in expanding its bases of power in society, particularly among the emerging and growing educated middle class. The role of the middle class in disseminating opinion and ideas is more important rather than its numbers. This class has dominated the information network in the country, the more so in the capital, Kathmandu. The UML's overwhelming influence in Kathmandu is its asset which can be used to channel the flow of information from the centre to the periphery. The Nepali middle class has least personal stake in comparison to the rich as well as the poor people in restructuring Nepal-India relations. This section of society is, therefore, highly sensitive to the question of national interest and nationalism, concerning Nepal's external relations. The future of the UML depends heavily upon whether the middle class continues to give its support or not. If the UML government succeeds in bringing to bring a substantial change in relations with India, it would be in turn license for it to rule over the country for other tenures.

New Elite

In the UML, the grip of power is in the hands of young leaders. Unlike the old Congress and Communist leaders, many of whom personally indebted to India for their educational and political background, most of the UML leaders have not such subjective feeling towards India. Besides, the ML worked in Nepal underground during the panchayat period whereas the Congress and the old communist parties were in exile in India. Viewing from the perspective of linkage between personal interest of decision makers and policy making, this factor explains the pursual of revision in relations with India by the new political elites of Nepal. Besides, as suggested above, the background and orientation of the UML is anti-India. The ranks and files of the party, with this political culture, would immensely wield pressure over their own government to make definitive changes in the structure of Nepal-India relations.

Political Equation

After the 1994 general elections, the House of Representatives with 205 seats was constituted by the UML's 88, the Nepali Congress's 83, the Rastriya Prajatantra Party' 20, and other's 14 seats. The strength of 20 seats of the Rastriya Prajatantra Party was most crucial in that if it forged alliance with the Nepali Congress, the Nepali Congress would have the required majority of 103 to form the government. Given this situation, the UML's political strategy was directed to keep the Nepali Congress and the Rastriya Prajatantra Party as far apart as possible. Its radical posture towards India is an important factor attracting the Rastriya Prajatantra Party to come closer to the ruling party than with major opposition party, Nepali Congress, on foreign policy issues. Besides the minority government was also dependent on the King for its survival. It must have the confidence of the King at least to preempt the midterm polls to counter the possibility of an alliance between the Nepali Congress and the Rastriya Prajatantra Party to bring about the collapse of the government through a no-confidence motion in parliament. The supreme Court (by its judicial review on the case of the recommendation of the then Prime Minister, G.P. Koirala to dissolve the parliament) had defined the King's discretionary power to prevent the move of the dissolution of parliament.¹⁰ The nationalist image of King Birendra got a boost when he agreed to dismantle the panchayat system at the time when he had to chose one between two hard alternatives: either India's proposal (the 83-pages long document submitted to Nepal on March 31,

1990)¹¹ for revival of traditional relations with new clauses which sought to erode the independence of Nepal, or and the demand of the mass movement (February-April 1990) for the end of the panchayat system and the restoration of democracy. Since it was imperative of the UML to have its certain political alliance with the King and the former panchas for the survival of its minority government, the panchayat legacy would definitely count to the UML government's India policy.

With these supportive factors mentioned above, the UML had formally proposed India a review of the bilateral relations between two countries. The need was creating favourable environment to move this proposal effectively. India's resistance to change is understood but it is beyond the focus of this paper. Here certain factors strongly bearing on this issue within the country need to be noted.

Consensus Building

The opposition parties did not oppose the government's proposal for the review of bilateral relations between Nepal and India. A general agreement on this issue is not enough. Consensus should be built in action plan to move forward the issue effectively. Indeed, the Constitution of Nepal clearly mentions that any treaty or agreement having long term effect must be ratified by a two thirds majority by the joint session of the two houses of parliament. In the total strength of both houses, the Nepali Congress had more members than the ruling UML. It was therefore a political and a constitutional imperative as well that the UML government should seek help and support of the Nepali Congress to make decisions on foreign policy. The UML's actions and behaviour had create problems in getting support of the Nepali Congress. Its strategy to keep the Nepali Congress and the Rastriya Parjatantra Party apart had directed it to distribute patronage among the supporters of the later party whereas intolerance to its supporters of the Nepali Congress. The government's intolerance to its close rival party, the Nepali Congress, leads to widen the gap between these two parties. The temperament of Nepali Congress's leaders/workers also appeared unhelpful to the UML government irrespective of the merit of the government's policies. Indeed, it appeared that the Nepali Congress was concentrating its energies in finding out ways to bring down the UML government. The given situation demanded a drastic change in the state of inter-party relations from both sides, the UML and the Nepali Congress, in order to effectively move forward Nepal's proposal for a review of its

relations with India. Otherwise, the work of consensus building in action plan towards revision of relations with India would be relegated from national priority because the question of the survival of the minority government could loom large in the coming days.

Survival of Minority Government

Is India a party in Nepali politics? India was one of the significant factors behind political changes in Nepal in 1951, 1960, and also in 1990. India's contribution in the later two instances were lesser in comparison to its role in 1951. Indeed, the India factor would substantially decline further in democratic Nepal because it is the Nepali people who form and change the government. But do the Nepali rulers, who are suppose to know the nuts and bolts of realpolitik, think so? The Prime Minister Man Mohan Adkhakari said that the former Prime Minister G.P. Koirala had deliberately tilted towards India for his political survival.¹² This was an affirmative answer to the vital question whether India is a party in Nepali politics. If the UML government thought that its persuasion of revision in relations between Nepal and India would have negative repercussions on its survival interest, it was unlikely that the UML would sincerely pursue for the restructuring relations with India. In sum, the signals in regard to materialization of Nepal's proposal for the revision of its relations with India are mix. Thus three possibilities can be drawn up concerning Nepal-India relations in the coming days.

Possibility 1

Nepal's proposal for reviewing the bilateral relations would be sympathetically considered by India. Some reporting by the print media in Nepal as well as in India can be cited here in support of this optimistic conclusion. The Rising Nepal stated that Indian Prime Minister P.V. Narasinha Rao conceived that the 1950 treaty was concluded at 'a particular time and situation.'¹³ This thinking can be linked with the logic of Deputy Prime Minister of Nepal that the treaty should be update in changed context. India, therefore, agreed to "discuss and examine" Nepal's quest for reviewing the treaty. The Times of India's reporting on February 8 and 9, 1955 gave hint about the possibility of India's positive response to certain points concerning the security issue.¹⁴

Possibility 2

“Indo-Nepal relations are passing through a tense period”.¹⁵ Most of the Indian media saw the UML’s attempt to shift Nepal’s foreign policy as a prelude to deterioration in Nepal-India relations in the coming days. Some developments in favour of the review of the 1950 treaty were mostly confined to unilateral announcement from Nepalese side which was not confirmed by Indian authorities. India had taken clandestine silence to make any commitment on the points Nepal raised. The ending of Nepali Deputy Prime Minister’s India visit without even a joint press statement gave hint of India’s coolness to Nepal’s search for change in bilateral relations between the two countries. Whether India likes or not, the official proposal for a review of the 1950 treaty by Nepal has brought India to the negotiation table. But it was very likely that India would buy time prolonging the negotiation. It would wait and watch how long the UML minority government survives. India would make its stand clear as the situation develops in Nepal. Otherwise India could once again adopt its old strategy of prolonging the conflict till the date of expiry of either the trade or the transit treaty with Nepal. This possibility was high because Nepal put all contentious issues i.e. the 1950 treaty, water resources, trade and transit into one basket rather than dealing with each case separately. The past records show that India always acquires a better bargaining position by linking any conflictual issue with the trade and transit treaties. In such eventuality Nepal would have to helplessly comply with India’s points of view. The same story may repeat in the coming days.

Possibility 3

The old story may not repeat. This possibility was drawn with the assumption that the negotiation between Nepal and India would go long, at least, to the date of expiry of either the trade or transit treaty. Unlike the previous Nepali rulers, the communist government in Nepal might refuse to abide by India’s point of view. Instead, Nepal’s insistence for major changes despite of India’s displeasure would naturally invite a state of confrontation between the two countries. That may go to the extent or beyond what happened in 1989. Being asymmetric neighbours the size and strength of Nepal and also the social, economic and geographical factors have limited Nepal’s ability to resist Indian pressure. If such a situation arises, the UML would have two options. First, it would put on hold the proposal for major changes in bilateral relations to avoid confrontation with India. The

second option would be extreme and more unlikely that the UML government would go for outright confrontation with India. Because any possible coercive move by India might turn into a blessing in disguise for the UML to consolidate its position on the domestic front.

Realistically, in order to build the country's capabilities to face the fall out of conflict relations with India, Nepal has to develop its own resources, an effective supply system, and create more employment opportunities in the country. Restructuring Nepal-India Relations step by step rather at one go could be more conducive for mutual interests and benefits for both countries.

Notes

1. This paper was presented at the seminar on *India and Nepal: Aspects of Interdependent Relations*, Organized by South Asian Studies Centre, University of Rajasthan, Jaipur, India on 27-29 March, 1995.
2. *Text of the Declaration of the ML, December 1978.*
3. *Text of Memorandum of the UML Submitted to Prime Minister G.P. Koirala, December 1991.*
4. *Text of Political Declaration of the UML, January 1991.*
5. Dhruva Kumar, "Nepal confronts its Self Image", paper present at the international seminar on *Interaction of Diplomacy and Domestic Politics*, Organized by Regional Centre for Strategic Studies, Colombo, Sri Lanka, August 10-14, 1994.
6. See Krishna Hachhethu, "Transition to Democracy in Nepal: Negotiations behind Constitution Making 1990", *Contributions to Nepalese Studies*, January 1994.
7. Quoted in Lok Raj Baral, "Changed system and Unchanged Elite Behaviour...", paper presented at *Nepal-India colloquim* in September 1994 organised by JNU, New Delhi, p. 9.
8. *Text of 1994 Election Manifesto of the UML.*
9. Lok Raj Baral, "Nepal-India Relations: Continuity and Change", Dhruva Kumar, (ed), *Nepal's India Policy* (1992: CNAS, TU, Kathmandu) p. 61.
10. *Text of the Verdict of Supreme Court* (on the Case of Prime Minister, G.P. Koirala's Recommendation to Dissolve the House of Representatives), Kantipur, September 13, 1994.
11. See "Appendix", Dhurba Kumar, op. cit.' P. II.
12. *Times of India*, December 1995.

13. *Rising Nepal*, February 9, 1995.
14. *Times of India*, February 8, 1995; February 9, 1995.
15. *Times of India*, January 23, 1995.

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