

Box 1: Nepal's war and political transition: a brief history

From 1846, the king of Nepal was reduced to a largely titular role after military officer Jung Bahadur Rana seized power in a coup, ushering in a prolonged era of hereditary rule by successive Rana prime ministers. The end of the Rana era a hundred years later came about through an armed uprising spearheaded by the recently formed Nepali Congress (NC) political party. But the 1951 Interim Constitution allowed the space for the monarchy to reassert itself.

After a brief interlude of democratic rule in 1959–60, King Mahendra took over and banned all political parties. A new constitution decreed by Mahendra in 1962 introduced the partyless 'Panchayat' political system – ostensibly a 'Nepali' version of democracy that in reality concentrated power in the palace. In 1990, a popular movement led to a return to multiparty democracy and a new constitution. The first 'People's Movement' was led by a coalition of political parties that included both the NC and the 'larger left movement'. But the failure to institute more fundamental reforms dismayed some members of the more radical left.

War

The launch of the 'People's War' on 13 February 1996 by the Communist Party of Nepal–Maoist (CPN-M) was a violent expression of dissatisfaction with the pace, extent and direction of social and political change. Senior Maoist leader Baburam Bhattarai famously asserted that it was aimed at 'establishing a new socio-economic system and state'. The Maoists' 40-Point Demands presented to the government in the run-up to the war had called for an end to discrimination against women and of all class exploitation and prejudice – including the Hindu system of 'untouchability'.

The Maoists' social reform agenda and armed insurrection techniques attracted support from many impoverished people in the outlying hills and mountainous areas. Fighting remained relatively low-level until the end of the 1990s, and the government's response was also initially restricted to deploying the police rather than the military. Increasing awareness of ethnic inequality and discrimination fuelled the insurgency. The entry of the Royal Nepali Army in late 2001 was accompanied by a massive increase in violence. Ceasefires in 2001 and 2003 both collapsed.

In 2002, King Gyanendra dismissed the elected government and assumed direct political control before seizing absolute power in February 2005. This led Nepali political parties across the spectrum to join to form the Seven-Party Alliance (SPA), and together they began serious discussions with the insurgent CPN-M. With the support of New Delhi, the Maoists and the SPA settled on a *12-Point Understanding* in November 2005, which accepted parts of the stated Maoist agenda of social justice and state reform.

Comprehensive Peace Accord

In the spring of 2006 diverse sections of society and political actors joined in a mass mobilisation – the second People's Movement. Daily rallies and demonstrations took place across the country for 19 days until King Gyanendra restored the parliament. Along with the return to power of the SPA, this triggered a succession of significant events: the end of all royal prerogatives; the declaration of Nepal as a secular country; the adoption of a ceasefire; the signing of the *Comprehensive Peace Accord* (CPA) between the SPA-led government and the Maoists; the adoption of the Interim Constitution; and the entry of the CPN-M into the newly renamed Legislature-Parliament.

As well as marking the official end to violence, the CPA dealt with issues of social and political transformation and inclusion. In particular, Clause 3.5 states that: 'In order to end discriminations based on class, ethnicity, language, gender, culture, religion and region and to address the problems of women, Dalit, indigenous people, ethnic minorities (Janajatis), Tarai communities (Madhesi), oppressed, neglected and minority communities and the backward areas by deconstructing the current centralised and unitary structure, the state shall be restructured in an inclusive, democratic and forward looking manner.'

Following the appointment by the United Nations of first a special envoy and then an Office of the Personal Representative of the Secretary-General, the UN Mission in Nepal (UNMIN) was set up in 2007 with the mandate to 'monitor the management of arms and armies' (ie the Nepali Army and the Maoist army), and to provide electoral observation for the first CA election.

Post-war transition

The Interim Constitution adopted in January 2007 referred to secularism and republicanism, but not federalism. The Madhes Movement, a major protest by groups representing the Madhesi populations predominant in Nepal's southern Tarai plains, began almost immediately, leading to the amendment of the Interim Constitution to restructure Nepal along federal lines. Federalism was associated with devolution of power and greater political representation of marginalised groups. The electoral system was also amended after the second Madhes Movement a year later, to allow for a higher degree of proportional representation.

The Maoists emerged as the largest party in the election to the first Constituent Assembly (CA) in April 2008. They formed a government with the Communist Party of Nepal–Unified Marxist-Leninist (UML), traditionally one of Nepal's two largest parties along with the NC, and the new Madhes-based parties.

Tussles followed over the fate of the Maoist army, and then the failed attempt by Maoist Prime Minister Pushpa Kamal Dahal Prachanda to assert authority over the Nepali Army, which led to his resignation in May 2009. The Unified Communist Party of Nepal-Maoist (UCPN-M – renamed after the CPN-M's merger with another Maoist party in 2009) was ultimately not able to push for acceptance of its broader political agenda: a dignified transition for its fighters, civilian control of the army, a share of power in government, and social and political inclusion for marginalised groups. Nor could it change the balance of power that would help to achieve this.

UNMIN formally exited Nepal in January 2011 under growing resistance from the Nepali Army, the bureaucracy, and the NC and the UML, with the fate of the Maoist fighters in cantonments still unresolved. But the Joint Monitoring Coordination Committee (JMCC) that UNMIN headed had helped build trust between representatives of all sides involved in overseeing the armies. In early 2012, the Maoist People's Liberation Army, by now confined to cantonments for over six years, was finally disbanded. Fewer than 10 per cent of the originally registered 19,602 fighters were incorporated into the Nepali Army, a far cry from the 'integration' process envisioned by the Maoist leadership. But, over the years, the UCPN-M had steadily negotiated away its demands for PLA fighters as part of various power plays.

The parties were ultimately unable to agree on a constitution and the first CA was allowed to lapse in May 2012. A period of constitutionally dubious political arrangements followed, including the appointment of the sitting chief justice as prime minister. The UCPN-M underwent a vertical split following the failure of the first

CA, although many mainstream leaders remained in the parent party. The Maoists and Madhes-based parties performed badly in the election to the second CA in November 2013 as the more established parties regained ascendancy. The UCPN-M came in a distant third, while the newly formed Janajati-based parties also did very poorly.

2015 earthquakes

Following the devastating earthquakes of April and May 2015, the three major political parties – the NC, the UML and the UCPN-M – along with the largest Madhesi party, in the second CA the Madhesi Janadhikar Forum-Democratic (MJF-D), decided to fast-track the constitution.

July to September 2015 saw significant protests by major social groups as the new constitution began to take shape. Women's groups protested citizenship laws. Madhesi, Tharu and Janajati groups variously demanded demarcation of states and then the arrangement of delineation itself, challenged the exclusivist nature of the decision-making process, and disputed the withdrawal of provisions from the Interim Constitution relating to greater inclusion and proportional representation. The constitution was ultimately promulgated in September 2015 amid mass protests in the Tarai and threatened shutdowns in eastern Nepal and elsewhere. At least 46 people were killed in five weeks of unrest in August and September 2015.

The constitution was amended in January 2016 to ensure a higher degree of inclusion. The government introduced a second constitutional amendment proposal in November 2016 that sought to allay some of the concerns relating to provincial demarcation, although protests erupted almost immediately in affected districts and at the time of writing the amendment had yet to be passed.