Section 2
Political process

The quid pro quo of the peace deal between the Maoists and the Seven-Party Alliance (SPA) representing the Nepali state has provided the backdrop for all politics in the post-2006 period: the rebels would enter into competitive politics, while the SPA conceded to an elected Constituent Assembly to write a new constitution.

And although there were indications that a ‘New Nepal’ would have to accommodate many new political forces, in their final negotiations towards the CPA, the two sides failed to anticipate the rise of identity groups, in particular, Madhesis (from the Tarai plains) and Janajatis (indigenous groups). Discussions in the political sphere have since revolved mainly around accommodating the demands of these groups, on questions such as federal design, the electoral system, or greater inclusion in state bodies. But progress has been uneven as stronger, more established interest groups have managed to successfully undercut calls for a more inclusive state.

The first Constituent Assembly (CA) elected in 2008 transformed the balance of power in favour of new political forces. Its inclusive composition notwithstanding, the first CA was unable to agree on a new constitution and the basic parameters of an inclusive state. Krishna Hachhethu asserts that, by the time of the second CA in 2013, more traditional parties and forces had regained their influence. Differences between progressive and conservative agendas dictated negotiations on key issues. Ultimately, the new formal decision-making architecture of the CAs has not been able to contain the influence of traditional, informal power structures, as major decisions have continued to be made by male leaders of the major parties, outside of the purview of the CA.

Dipendra Jha compares Nepal’s 2007 and 2015 constitutions and the trajectory of commitments made to social inclusion. He focuses on key issues of quotas for marginalised communities, guarantees of representation for the Tarai, and implementation. He argues that the fact that Madhesis and Tharus boycotted the recent constitution-making process, while Janajatis also opposed key provisions, expose the shortcomings of the new statute. The extent of marginalised communities’ frustration will make resistance to change difficult to sustain in the long term.

Sujeet Karn traces the evolution of Nepali political parties. Post-war tension between the agendas of the new and the more traditional parties has defined the development of Nepal’s political settlement to date, albeit through different permutations within the respective blocs. Factionalism and ruptures have affected almost all parties, driven by personality clashes and opportunism as much as ideological differences, and this fragmentation has restricted the capacity of the new political forces to achieve progressive change.

Nepal’s peace agreements demanded a more inclusive electoral system. But the parties could not agree on an arrangement that was purely proportional. Kåre Vollan explains that the resultant mixed system of proportional representation and first-past-the-post has brought some progress for greater representation of groups that have historically been electorally marginalised. But the way compromises have been brokered has meant that privileged communities, including some Madhesi castes and Janajatis, have been able to maintain important and consequential advantages while continuing to exclude the truly marginalised.
The 2015 Constitution affirmed Nepal’s commitment to federalism. But, as Krishna Khanal stresses, the failure to uphold the interests of especially Madhesi communities in relation to the configuration of federal provinces leaves major questions unanswered. Federalism has been the main vehicle by which to reconfigure the power structure of the Nepali polity and so has been especially divisive – seen by some as a zero-sum transaction between the apparently contradictory aspirations of advancing inclusive representation and sustaining national unity. Khanal contends that further compromises will be needed to amend the new constitution in the future.

The history of the federalism debate in Nepal can be traced back to the 1951 political transition that marked the end of the Rana dynasty and Nepal’s first taste of democratic politics. Deepak Thapa annotates a series of bespoke maps to illustrate the progression of the federal agenda in Nepal. The combination of chronology and cartography provides insights into Nepal’s changing political geography, and how various interest groups’ priorities have shaped the evolution of federal restructuring up to the present day.

Struggles for democracy in Nepal were not initially directed at the monarchy, but as the Maoist war progressed the palace became increasingly assertive and autocratic in the political sphere. Gagan Thapa states that the 2001 royal massacre was pivotal in undermining the legitimacy of King Gyanendra’s rule, thereby helping to validate the Maoists’ cause and, ultimately, hasten the end of the war and the onset of the Nepali republic.

Bandita Sijapati laments that local governance has been both neglected and instrumentalised in post-conflict Nepal. The Maoists had targeted local bodies as part of their policy to replace the ‘old state’ with ‘people’s governments’. Post-war interim measures – the All-Party Mechanism and Local Peace Committees – have either failed to engage political power and therefore lacked leverage, or have succumbed to recurring patterns of clientelism and partisanship. Continuing failure to address local governance will undermine the foundations of state legitimacy and capacity that are the building blocks of peaceful change.