

‘Between a Rock and a Hard Place’

Nepal’s Road Ahead After the Second Constituent Assembly Elections

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What is the policy brief about?

This brief examines the impact of the second Constituent Assembly elections on Nepal’s peace and conflict context. Considered narrowly through a democratisation lens the elections can be hailed a success. However, if one unpacks the larger processes surrounding the event a more nuanced picture emerges. This brief argues that Nepal’s peace process has moved from simplicity to complexity; a reality that is reflected in, but not accommodated by, the electoral process. The brief presents a range of options to address this discrepancy.

Why is the topic relevant?

While elections are an important part of transitions from war to peace, there is a tendency among national and international policy-makers alike to overestimate their positive impact on polarised post-conflict societies (Paris 2004; Ottoway 2003). Therefore, elections need to be evaluated not only in terms of their immediate achievements, but also their effect on the broader socio-political landscape. This is certainly the case in Nepal, where the elections set the new political context for the promulgation of a constitution, a key stumbling block in the country’s transition phase. Failure to recognise the broader context and effects of the elections could mean hard won short-term gains in state-building will be bought at the cost of long-term aims in peace-building.

For whom is it important?

National and international policy-makers concerned with Nepal’s peace and conflict context; national and international organisations, governments, national and international non-governmental organisations, specialised think tanks and research centres working in or on Nepal

Conclusions

- ≡ The elections were perceived as a way out of Nepal’s crisis of political legitimacy. They were a considerable success with regards to process, voter turnout and security, fostering legitimacy of the central democratic process. However, they failed to revive the spirit of the peace process and remained firmly rooted within the destabilising parameters that currently determine Nepal’s political sphere.
- ≡ The international community has concertedly put its full weight behind elections. This allowed elections to take place within the agreed timeline, but arguably prevented opportunities for a more inclusive process.
- ≡ Increased pressure for a piece of Nepal’s post-conflict pie came from the new Maoist splinter party CPN-M, which raised the stakes of conducting the election process. Their radical politics during the election process was as much a threat as it was a response to being sidelined from a stuttering peace process. All sides failed to harness this opportunity for dialogue and earnest political reform.
- ≡ A quick move from power and party politics to issue-based reform politics, supported by confidence-building measures, will be essential to foster Nepal’s road to peace.

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1 Introduction

With the second Constituent Assembly (CA) elections, Nepal has entered a new political era. When citizens went to the polls on 19 November 2013 the established parties were able to secure a strong victory over the previously dominant Maoist party. This shift was cemented when Nepali Congress leader Sushil Koirala, chairman of the oldest political party, was sworn in as prime minister on 10 February 2014. While the formation of a new government filled the political vacuum left by the dissolution of the first CA 20 months before, raising cautious optimism for a return to institutional normality and issue-based politics, the repercussions of a drawn out and lengthy electoral process will continue to affect the country in the long-term.

Despite the relative calm surrounding the elections, in particular in comparison to the first CA elections in 2008, Nepal's socio-political landscape remains fractured and divided. Particularised identity politics, an opposing Maoist splinter faction leading a larger group of parties disenfranchised with the central process, and weak governing institutions continue to challenge the newly emerging political settlement,¹ which itself will have to spend considerable time negotiating an acceptable arrangement. In light of this, the period ahead will be crucial in finding an inclusive and broadly accepted way forward; including drawing those currently operating outside of the process back into it. Otherwise, the political sphere will be further fractured and divided, failing to address key demands of the population, including the promulgation of a new constitution and development for the country.

This brief examines Nepal's political landscape at this critical juncture. It analyses the broader electoral process (starting with the institutionalisation of the bureaucratic government and ending with the immediate outcome of the elections) and evaluates its effects on the country's peace and conflict context, both in the short- and long-term. The findings are based on a range of interviews with representatives of civil society, political parties, government ministries, academia, international organisations and embassies in Nepal, conducted intermittently since November 2012 and more extensively around key political events. Furthermore, this brief has benefited substantially from insights gained through the Berghof Foundation's long-term research and practical engagement in Nepal.²

2 Nepal's second constituent assembly elections

2.1 The election environment

Nepal's return to a sense of institutional normality, having in the short-term diverted a constitutional and political crisis, has by and large been made possible by the elections. Furthermore, despite a challenging environment, the elections were able to secure sufficient political and societal support for results to be

¹ Political settlement is used here as understood by the Asia Foundation as the "expression of a common understanding, usually forged between elites, about how power is organized and exercised" (Parks/Cole 2010:3).

² For further information on Berghof Foundation's engagement in Nepal, please see www.berghof-peacesupport.org/activities/nepal. Relevant publications include: Bhatta, C. and Dahal, D. 2008. The Relevance of Local Conflict Resolution Mechanisms for Systemic Conflict Transformation in Nepal. Berlin: Berghof Foundation for Peace Support; Dahal, D. 2005. Nepal – Supporting Peace Processes Through a Systemic Approach. Berlin: Berghof Foundation for Peace Support; Ogura, Kiyoko 2008. Seeking State Power - The Communist Party of Nepal (Maoist). Berghof Transition Series No. 3. Berlin: Berghof Conflict Research.

recognised by all major political parties, if belatedly by the Maoist UCPN-(M). Simultaneously, however, elections only marked the end point of a lengthy and drawn out process, which had potentially adverse effects on the democratisation process they were supposed to foster – the damaging repercussions of which will continue to impinge upon the new political settlement.

Nepal had a tough call to make in the run up to elections. There was, on the one hand, a real sense of urgency behind conducting elections, overdue since the dissolution of the first CA on 28 May 2012. Followed by political deadlock over forming a consensus government, elections were put back on track when the four main political forces – *Nepali Congress* (NC), *Communist Party of Nepal-United Marxist Leninist* (UML), *United Communist Party of Nepal-(Maoist)* (UCPN-(M)) and the *United Democratic Madhesi Front* (UDMF) – signed the 11-point agreement, which instated the sitting Chief Justice Khil Raj Regmi as head of a bureaucratic interim government. The Interim Election Council (IEC), as it was named, was supported by the High Level Political Committee (HLPC), constituted of the major political parties.

Despite the clear technical need as well as popular demand for elections, however the process that eventually led to elections largely added to a growing distrust in the governing institutions and their leaders. Elections had only been made possible through constitutional amendments by presidential decree.³ The resulting political set-up not only put the separation of powers into question; perhaps most importantly, it nurtured the image of powerful individuals disengaged from democratic practices and institutions. Leaders' political commitments lacked credibility beyond a day and power-politics took hold over issue-based politics, largely bringing political life to a standstill. This led to a crisis of confidence among political leaders, strained relations between leaders and their cadres, and placed a heavy toll on state-society relations.

With a new government in place there should now be room to swiftly re-focus on a range of issues and seriously tackle some of the major matters leftover from the transition phase. However, without a changed modus operandi among the political class and commitment towards strengthening democratic institutions in the long-term, not only when it suits political purposes, it will be hard to restore the institutional credibility needed for the challenging tasks ahead.

2.2. The electoral landscape

A clear election outcome on the back of an increasingly diversified electoral landscape precludes any narrow interpretations of the election results. Considering the wider political landscape during the elections presents a nuanced picture. It also poses a no less challenging environment for the second CA than the first one for concluding the writing of the country's post-conflict constitution (within one year, as pledged by leaders of the main parties (Al Jazeera 2013)).

As a result of the ongoing political and constitutional crisis the electoral landscape had changed substantially since the first CA elections in 2008. Most notably, people's excitement during the 2008 elections had given way to disappointment and disillusionment with the main political parties and process. All major parties were unsure about their standing within their constituencies, but concluded that overall elections would be beneficial; or in the case of the UCPN-(M) felt at least unable to stop them without a major loss of face. Overall, according to George Varughese of the Asia Foundation, the pre-election political landscape was marked by a "myriad [of] groups and coalitions and movements – vertically and horizontally across society – [...] disengaged from the idea that politics matter most to economic and social life" (Varughese 2013, w/o page).

In addition, a number of new forces had entered the political arena with varying degrees of success. The number of parties registered for the 2013 elections increased from 75 (54 actually participating) in

³ Article 158 of the Interim Constitution provides for the president to "remove difficulties" related to the implementation of the constitution, which was evoked to undertake a number of amendments to pave the way for the Chief Justice-led government.

2008 to a total of 139 (122 participating under proportional representation), reflecting the diversification and particularisation of political demands in present day Nepal. Especially ethnic and other identity-based parties increased in numbers, demanding a more inclusive process, or at least the inclusion of their particular demands.

Partially re-emerging on the political scene was the *Rastriya Prajatantra Party Nepal* (RPP-N), which campaigned heavily for its cause of re-instating a Hindu kingdom (though the party has since backtracked from its extreme royalist demands). The reassertion of conservative voices is particularly challenging; their positions will need to be reflected, all simultaneously bearing the risk of further restricting an already narrow process for the myriad of ethnic and other identity-based demands. The upcoming constitution writing process could heighten sentiments among the population, which risks provoking a backlash should conservative voices be perceived as too powerful.

During the elections feared ethnic clashes did not occur, perhaps partly because economic development, as opposed to state restructuring, dominated the agenda. Nevertheless, the diverse political landscape continues to be challenged by localised fissures, with the potential to turn violent if left unaddressed. Particularly around the issue of federalism there is continuous scope for localised political issues to become quickly linked to larger grievances with historical and cultural references, bearing potential for ethnic clashes at key political moments.⁴

The electoral landscape demonstrates a clear need to move substantially on the constitutional issue and to do so with a renewed focus on accommodating Nepal's great social, cultural, and religious diversity. The challenge ahead for the second CA is to orchestrate an inclusive and carefully handled constitution writing – and implementation – process; the modalities of which are still unclear as little has moved in this direction at the time of writing.

2.3 The international dimension

The entire electoral process was heavily supported by the international community, both politically and financially. All major parties were under considerable pressure to push forward with elections on the announced date. While the international community's concerted efforts were one – if not the singular – decisive factor in ensuring elections would take place as scheduled, they also reduced the space to discuss alternative ways forward (see 2.4 below). The current Indian government held a strong interest in holding elections prior to their own elections due between April and May 2014. The Indian elections are likely to produce a change in government; the current Indian Congress-led government's performance has come under strong criticism, and the Modi-led *Bharatiya Janata Party* (BJP) is being speculated over as the possible electoral victor (Economist 2013). Fatigue with its unstable neighbour coupled with an opportune moment for a political shift put India firmly behind elections in Nepal at the set date. Following an election result as per India's expectations, its influence is likely to be strengthened under the new government (Harris 2013). The other big neighbour, China, has equally put its weight behind elections. As Clare Castillejo aptly points out, while India seeks to “micro-manage Nepali politics” to maintain its sphere of influence, it is increasingly confronted with an “expanding China” (Castillejo 2013:3-4). China in turn has an interest in a stable neighbour and has repeatedly called upon the political parties to conclude the peace process (ibid.).

The West also undertook a number of public and private efforts to push for elections. Most notably, 13 days prior to elections a strong statement was issued by the United Nations Resident Coordinator on behalf of the international community condemning the use of *Bandhs* (strikes) and calling for peaceful elections.⁵ What angered many as interference in Nepal's internal politics also clearly portrayed the western

⁴ This was the case in Kailali district in May 2012. Shortly prior to the dissolution of the CA tensions flared between protesters over competing visions of federalism, seeking a Tharuhat state and an Undivided Far Western region respectively. The clashes led to a month-long shut down of the district amidst serious concerns over the possible outbreak of violence.

⁵ For the statement by the UN RC on behalf of the International Community in Nepal on 6 November 2013, see: www.un.org.np/

international community as concerted behind holding elections on the announced date. A combination of the realistic fear that Nepal's political process could derail further, coupled with donor fatigue and an overly optimistic view of what elections can achieve in the context of post-conflict Nepal, is likely to have informed this position.

2.4 Negotiating elections

Elections are always periods of intense political activity. In divided post-conflict contexts the introduction of heightened competition can therefore exacerbate latent conflicts (Paris 2004). Furthermore, beyond a temporary worsening of the security situation, larger societal divisions can become entrenched, with potentially damaging effects for the long-term transformation of the country. While in Nepal feared clashes did not take place beyond a small number of localised incidents, elections and the handling of the process leading up to them, polarised the society. Eventually, elections themselves became a dividing factor.

For the first time since the Comprehensive Peace Agreement (CPA) a splinter faction of the Maoists, the CPN-M, operated outside of the political process. Together with an alliance of 33 fringe parties they threatened to boycott the elections, rallying for the resignation of Regmi from his position as Chief Justice, or in its most extreme form, the resignation of the entire bureaucratic government and the re-instatement of a political body to conduct elections.⁶ While many did not support the politics of the CPN-M, there were general concerns over Regmi's continuous hold over the position of Chief Justice. So too, the handling of those forces opposed to the polls was increasingly questioned, in particular their treatment as a 'law and order' problem.

Talks with the CPN-M-led 33 party alliance continued right up to the election date, although ending inconclusively. During the negotiations the government, supported by the international community, followed a two-pronged strategy with regards to the poll-opposing forces. Negotiations sought to provide some incentives to join the process, while continually increasing the level of threat by discrediting the poll-opposing forces as undemocratic and eventually announcing the mobilisation of the Nepal Army through the Integrated Security Plan (ISP).⁷ Once the CPN-M became increasingly criminalised in the view of national and international policy circles, options to meaningfully draw them back into the process narrowed.

The CPN-M in turn acted in opposition to their political exclusion from a process they were desperate to join, but reluctant to participate in. The failure to include the CPN-M at a much earlier point, instead sidelining them in key political decisions such as the 25-point agreement, was a mistake increasingly recognised by individuals from all main parties.⁸ Simultaneously, deep mistrust and party divisions within the CPN-M also prevented an agreement ahead of the elections, with more radical voices gaining the upper hand. While the party leadership continued to test the sincerity of the other parties towards their political inclusion, a more radical stance had already emerged from the CPN-M central committee meeting in Kaski District on 1 July. There, "the party leadership [was urged] to take harsh measures to boycott the elections and to prepare for a 'people's revolt', which emphasised an urban-centric uprising, and to form alliances with other national forces, including civil society and professional associations" (Binodkumar Singh 2013).

The entire process was haunted by a crisis of confidence, increasingly pitting both sides against each other. In the end, a lack of will and strong outside pressure prevented the negotiation of an acceptable

headlines/statement-un-rc-behalf-international-community-nepal.

⁶ A press statement issued by the 33 party alliance led by CPN-M Chairman Baidya in Kathmandu on 13 June 2013 reads: "The Government itself is unconstitutional as it was formed through an unconstitutional Presidential decree. Holding an election on the basis of such a decree is akin to pushing the country towards further crisis" (Binodkumar Singh 2013).

⁷ The ISP mobilised around 140,000 security personnel consisting of 62,000 from the Nepal Army, 45,000 from the Nepal Police, and 29,000 from the Armed Police Force, deployed in outer (Nepal Army and Armed Police Force) and inner (Nepal Police) circles of security around polling stations (Chautari 2013). In addition, 45,000 temporary police personnel were hired on a short-term basis (*ibid.*).

⁸ Prominent voices urging the inclusion of dissenting forces, especially of the CPN-M, included the Nepali Congress leader and former Foreign Minister Dr. Prakash Sharan Mahat (Himalayan Times, 10 September 2013) and Senior UML leader Madhav Kumar Nepal (Himalayan Times, 10 August 2013).

arrangement and the CPN-M – perhaps to its own surprise – found itself outside the political process. While this meant elections could proceed as scheduled, they failed to harness an opportunity for earnest dialogue and potential change. Conducting elections became more important than what kind of elections they were; the required “new political culture” so often demanded by national and international policy makers (Varughese 2013), was left unapplied in the national event setting the scene for the next years.

2.5 Conducting elections

The elections themselves came to be described as “an extremely good process”⁹; in particular also in comparison to the first CA elections in 2008. Violence was much lower than during the previous elections, the process neater, and overall voter turnout at 78.34 per cent. While the ten day *Bandh* announced by the poll-opposing parties (quickly turned into a transportation strike only) did reduce travel and made the atmosphere particularly in some districts tense, it largely failed to prevent voters reaching the polling stations.¹⁰ The use of hoax and real IEDs in the run up to elections also largely failed to prevent voters from passing their vote.

The comparatively neat electoral process, however, was accompanied by serious flaws and larger questions of inclusivity and ownership. The Regmi government and the Election Commission Nepal (ECN) were under enormous pressure to conduct credible elections. On election day various irregularities occurred and though they are unlikely to have exerted a major effect on the election’s outcome, there appears to have been reluctance on the ECN’s part to thoroughly investigate reports of electoral misconduct from all parties,¹¹ a move that likely aided the neat appearance and smooth functioning of the election process.

In turn, the claims of the UCPN-(M) directly following the first election results that vote rigging had taken place on a grand scale, were likely to have been motivated by internal party politics and face saving among its cadres. A task force was instated, which found vote rigging on a “structural, institutional, procedural and policy level” (Republica 2013). Rather than questioning the election results, the document reflects the continuing deep mistrust between the political forces.

It will take some time to obtain a more nuanced picture of the technical election process.¹² However, it already seems clear that what the elections gained through process efficiency, they lost through superficiality. The elections were able to secure legitimacy for the election process. Results were eventually recognised by all main political parties. Simultaneously, the pressure and haste under which they were conducted prevented a sense of ownership and inclusivity. In addition, local politicians expressed dissatisfaction with the central process, widening the gap between Kathmandu and the districts. Thus, elections came to take place within the same parameters as the stuttering peace process: too narrow to capture the needs and imagination of an increasingly larger section of society.

⁹ Jimmy Carter at the Carter Centre Press Conference, Radisson Hotel, Kathmandu, 21 November 2013.

¹⁰ The situation was different in some districts in the Maoist heartland; the most extreme example was the village of Thabang in Rolpa where no voting took place.

¹¹ On a number of occasions serious complaints are said to have reached the ECN, which decided not to investigate further and go ahead with vote counting.

¹² For a detailed report on electoral conduct see Election Observation Reports from The Carter Centre, EU Election Observation Mission – Nepal 2013, and the National Election Observation Committee (NEOC) forthcoming. For preliminary statements, see interim reports of The Carter Centre (www.cartercenter.org/news/pr/nepal-112113.html), EU Election Observation Mission – Nepal 2013 (eeas.europa.eu/delegations/nepal/documents/press_corner/2013.11.22.en.pdf), and NEOC (neocelection.org/admin/ckeditor/plugins/files/OBSERVATION%20INTERIM%20REPORT%2021.11.13.pdf).

2.6 The post-election political landscape

The outcome of the second Constituent Assembly election produced a major political shift in Nepal. The elections have reshuffled power balances in favour of the established parties, to the Maoists' cost, winners of the previous elections. Due to intense competition and infighting, an increased number of smaller parties are likely to struggle for influence in the changed political context, while the pro-monarchist forces have replaced the Madhesi parties as the fourth strongest force in the new CA. The Maoists, following their initial threat not to accept the election outcome and to boycott the CA, will also have to be accommodated as a weaker party, but with the weight of a signatory to the peace agreement. The CPN-M and a number of fringe parties continue to question the process. Whether the current rapprochement between the CPN-M and its mother party will bring them closer to the political process again remains to be seen.

Comparison of CA Elections 2008 and 2013: Major Political Parties in Nepal

Party	Seats in 2008	Seats in 2013	+/-
Nepali Congress	110	196	+86
UML	103	175	+72
UCPN-(M)	220	80	-140
MJF-N	51	10	-41 (Party split since)
TMLP	20	11	-9
RPP-N	4	24	+20

While the established parties were able to gather decisive support, voter behaviour indicates caution in interpreting the results. The elections came to be more about development than central issues of the peace process, such as drafting the new constitution. Expressing their need for development and showing their disillusionment with the polarising slogans and behaviour of the Maoists during office cannot be considered equal to support for the political agendas of the establishment per se. For example, in the Tarai voter behaviour was extremely complex. In some cases, voters supported traditionally more established parties, knowing that particular Madhes-based demands will need to find other avenues of expression.¹³ Particularly the NC also chose candidates wisely, positioning individuals with relevant backgrounds in the Tarai constituencies. The focus on development will pressurize the new government to deliver on this front, while reaching out on other central political tasks ahead, such as writing a new constitution.

As a result of the superficial election process and the strong backlash inflicted on the progressive forces there is likely to be increased activities on the fringes – both within and outside the central political process – with significant polarising potential. Good performance from the new government would take some strength out of these efforts. However, especially with regards to constitution writing, the new government will have to find ways to seriously consider and include these voices if it wants a successful conclusion and implementation of the process. Simultaneously, with the royalist forces as the fourth strongest party, the new government will have to show some flexibility in that direction as well.

The new government has a genuine interest in pushing for successes in the second CA, as these would occur within its governing time. At the same time, it remains to be seen how open and inclusive the new government will be towards those who lost out in the election process, but whose agendas remain firmly rooted in Nepal's political landscape. Special attention must be paid to drawing these factions and interests back into a democratic process. This will require flexibility and goodwill from all sides. Whether and how the new government will be able to deal with this challenge will be crucial as Nepal continues to seek a conclusion to its peace process.

¹³ I am grateful to Jacob Rinck, currently undertaking his doctoral research in Nepal and who previously worked for the International Crisis Group in Nepal for this observation.

3 Conclusion

The elections were a considerable success with regards to process, voter turnout and security, fostering legitimacy for the central democratic process. However, they were neither able to revive the spirit of the peace process, nor to correct some of its major shortcomings. The elections remained firmly rooted within the destabilising parameters that currently determine Nepal's political arena. Under enormous outside pressure and with a looming legitimacy crisis on the horizon, the interim government and the four party political mechanism accepted the very real need for a way out and put their weight behind elections. However, Varughese's pertinent observation prior to elections rings no less true after: "The country is at a political impasse but seems to be muddling through; a suboptimal equilibrium, perhaps, that is difficult to graduate from" (Varughese 2013, w/o page).

In this regard, elections changed little. Central themes not adequately addressed through the peace process, such as inclusivity and meaningful political representation for large sections of society, were largely absent from these elections. Furthermore, they came at the back of a long-standing political and institutional crisis which had already severely weakened democratic institutions. The elections did buy time, but did not strengthen the democratic institutions; neither did they promote a changed modus operandi among the main political actors. It remains to be seen whether the post-electoral political settlement will be able to use the short-term gains in legitimacy to counter the long-term tendencies of a discredited political process, with key actors remaining outside (CPN-M) and a citizenry unable to see their concerns reflected in political life in Kathmandu. In light of this, the need for a politics of inclusion and a return to the spirit of the peace process has become all the more important for Nepal's road to peace.

4 Recommendations for national and international policy-makers

4.1 Concrete steps must be taken towards the meaningful inclusion of political forces not formally recognised, but with continuing political clout, especially Baidya's CPN-M. A firm stand regarding recognition of the election results on the side of the GoN and the IC does not preclude serious engagement with political forces that question the process. Rather, a CPN-M claiming to uphold the principles of democracy should be held accountable to this through meaningful inclusion. Continued alienation, exclusion and criminalisation of the CPN-M and other fringe parties is likely to have an adverse effect. This would strengthen the hardliner factions within the CPN-M, bearing the risk of a radical CPN-M becoming the docking port for a conglomerate of the losers of a political process too narrowly defined.

4.2 The continuing national and local governance deficit must be addressed by building trust horizontally and vertically, including through local elections. Nepali political life continues to suffer from inter- and intra-party struggles, political stalemates, and the effects of a bureaucratic government on a young democratisation process. Thus, concerted efforts should be made to foster legitimacy – vertically and horizontally – through confidence-building measures between political parties, a return to issue-based politics, and the upholding of agreements: in short, a return to a meaningful political process. To counter the governance deficit at the local level and respond to the demand for more decentralisation, local elections should take place as soon as possible. However, fears that local elections could weaken the federalist

agenda must be addressed to secure support from all main political parties and allow for a constructive election environment.

4.3 Narrow interpretation of election results should be avoided. National and international policy-makers must seek to ensure the inclusion of traditionally excluded groups, particularly in the upcoming constitution-writing process. The second tenure of the CA poses the risk for localised fissures and conflicts to resurface more forcefully during key political moments in the constitution-writing process. To ensure a largely accepted way forward, previously existing avenues for input need to be strengthened, as well as new ones created. Careful handling of the process will be essential, educating citizens with regards to different forms of federalism, and discouraging threatening rhetoric. In addition, a more long-term view should be advocated, considering not only the constitution's promulgation, but also its implementation.

4.4 National and international policy makers should use the political moment to bring central unresolved issues of the peace process back on the agenda, especially that of transitional justice. On 2 January 2014 a court ruling decided to keep both the Disappearance and the Truth and Reconciliation Commissions separate entities as envisioned in the CPA. On the back of this ruling and with elections out of the way there is space again to promote this issue. Learning from the experience of the previous bill, which failed to meet international standards, special attention should be paid to the commissions' structure, level of independence, case selection and capacity for civil society input, especially victims' families. An important next step would be to attach a concrete timeline to move forward on this issue.

4.5 With a return to institutional normality a swift move from power- to issue-based politics should be supported, with a focus on the socio-economic development of the country. The elections centred on development and prevailing disillusionment over its stagnation during recent years. With the NC and UML forming a new government, opportunities to move substantially in this area exist. The parties are under considerable pressure to deliver on this front, and any demonstrable achievements would be booked during their governing period. However, the fractured socio-political environment demands considerate distribution between different development regions and participatory processes to achieve this end. A visible success in this area would serve as a strong peace dividend for the country.

4.6 Central destabilising factors require political, rather than security responses. Dialogical solutions must be explored more thoroughly and at an early stage to avoid escalating tensions. Nepal's security situation remains stable, but fragile. The new political arrangement is likely to experience increased pressure from the fringes seeking to delegitimise the central political process (see recommendation 4.2). However, in this context employing the national security apparatus has explosive potential and early political solutions should be sought over securitised responses. Comprehensive reform of the security sector as envisioned in the CPA has thus far not taken place. As it is unlikely to be undertaken during this period of government, any deployment of the security forces must be assessed in this light.

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Abbreviations

BJP	Bharatiya Janata Party
CA	Constituent Assembly
CPA	Comprehensive Peace Agreement
CPN-M	Communist Party of Nepal – Maoist
ECN	Election Commission Nepal
GoN	Government of Nepal
HLPC	High Level Political Committee
IC	International Community
IEC	Interim Election Council
IEDs	Improvised Explosive Devices
ISP	Integrated Security Plan
MJFN	Madhesi Janadhikar forum Nepal
NA	Nepal Army
NC	Nepali Congress
NEOC	National Election Observation Commission
RC	Resident Coordinator
RPP-N	Rastriya Prajatantra Party Nepal
TTMLP	Tarai-Madhes Loktantrik Party
RC	Truth and Reconciliation Commission
UCPN-(M)	Unified Communist Party of Nepal (Maoist)
UDMF	United Democratic Madhesi Front
UML	Communist Party of Nepal (United Marxist-Leninist)
UN	United Nations