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What is This?

From Insurgency to Democracy: The Challenges of Peace and Democracy-Building in Nepal

GANGA B. THAPA AND JAN SHARMA

ABSTRACT. The failure of authoritarian and totalitarian regimes spurred a global surge in democratization in the 1980s. However, efforts at democratization have been challenged by path-dependent institutional and political variables that can inhibit the growth of western-style democratic pluralism. Nepal is no exception to this experience. When the king sidelined the political parties in an attempt to revive the absolute monarchy in February 2005, the political parties and the Maoist guerrillas resisted this move and forced the king to revive the dissolved House of Representatives. Subsequently, parliament proclaimed Nepal to be a federal democratic republic, ending the 240-year-old Hindu monarchy. Today, there is both optimism and pessimism regarding the ongoing peace and democracy-building project in Nepal: optimism because there is a consensus, albeit vague, on building political and economic institutions that will transform Nepali society for the better; pessimism because the due process of law is being increasingly thwarted due to the nondemocratic inclinations of political leaders. This article critically reviews the challenges Nepal is facing as it struggles to transform from insurgency to a peaceful and democratic society.

Keywords: • democracy • Maoists • insurgency • elections • monarchy • Constituent Assembly • people's war

Introduction

The prospects for peace and democracy-building in Nepal looked very promising in April 2006 after the popular movement *Jana Andolan II* brought down the royal regime through mass protest and political action. The most significant break with the past, symbolically and politically, was the resolution adopted by the interim parliament to abolish the 240-year-old Hindu monarchy and create a federal democratic republic. There remains the question, though, as to whether Nepal will become fully democratic given that the political parties are engaged in a struggle for power. Nepal's fledgling democracy is at a critical juncture at this

point in time. This article discusses Nepal's long road to democratic politics and the prospects for establishing a stable democratic future for the country.

A major "wave" of democratization swept across eastern Europe, Latin America, and Asia from the 1980s to 2000. The trend was a powerful reaction against autocratic and totalitarian rule in theses regions (Clark and Hoffmann-Martinot, 1998: 76). Yet in some instances newly democratizing countries in these regions have been unable to make progress in consolidating democracy. This is in part due to the legacy of social control from the former regime that is proving inimical to the creation of a unified state. In part, too, it is due to the polarization among political elites as they struggle for control over state resources. The democratic institutions are insufficiently powerful to exert control over the actions of competing self-interested political elites. Many states that embark on the path of democracy-building do not complete their transition. While some fall back into authoritarianism, others explode into civil war (Pridham, 1991; Pridham et al., 1997). Fostering democracy involves political institution-building, enduring popular support, favorable social and economic conditions, and the de-politicization of the military (O'Donnell and Schmitter, 1986). In other words, democratization is not a linear process. The case of Nepal aptly illustrates the ebb and flow of a democratization process and the difficulties encountered in shaping a stable democracy under less than favorable conditions. The next section provides the historical political context for Nepal's current democracy-building efforts. It is followed by a discussion of the Maoist insurgency and an analysis of the importance of the 2008 Constituent Assembly elections for the fledgling Nepali democracy.

The Nepali Historical Context

Understanding the democratic transition in Nepal requires an appreciation of three particular preconditions unique to the country. One important factor structuring the democratic trajectory is the historical evolution of various forms of indigenous governance in Nepal at a time when most of South Asia was under colonial rule. Thus, the country has neither the colonial experience of institution-building nor the infrastructure for economic development that accompanied colonization. Instead, political and economic institutions were permitted by hereditary monarchs so long as they posed no threat to the monopoly of the ruling class over political, social, and economic resources.

Given Nepal's history of indigenous rule, a relatively long period of political and diplomatic isolation has contributed to shaping modern understanding (or, indeed, misunderstanding) of democratic government. Despite Nepal being on a prosperous and thriving trading route between India and China, Nepali rulers were able to maintain total isolation from the rest of the world until the 1950s. This isolation played a major role in shaping the evolution of the Nepali society and polity. An important element of this isolationist policy was a complete ban on education, enabling rulers to exert complete domination over the Nepalese people.

This leads to the third significant aspect of the Nepalese context: monarchical rule. Having enjoyed a monopoly of state power and resources for over 240 years, the Nepali monarchy has not only refused to modernize itself but has also experienced recurrent problems in sharing power with elected representatives. The relevance of these three preconditions shaping the advent and development of democracy can be more clearly demonstrated in a brief review of Nepalese political history.

Historical Background

Ever since Nepal was unified in 1768 through military conquest by the ruler of the Ghorka kingdom, its history can be divided into five main phases. The first historical period of modern Nepal was marked by the military rule of Prithvi Narayan Shah and his successors (1768–1846). In the mid-nineteenth century, the Shah rule was violently overthrown by the Rana dynasty (1846–1950), which established a hereditary line of powerful prime ministers, relegating the monarch to a titular position. The Rana regime, then, was essentially a military oligarchy. In the final years of Rana rule, the prime minister attempted to introduce a written constitution in response to criticisms of Rana autocracy from new pro-democracy groups. The effort failed, however, due to opposition from politically powerful conservative forces. In February 1951 King Tribhuvan returned from a brief period of self-imposed exile in India to rule in association with a government consisting mainly of the new reform-oriented Nepali Congress Party (NC). The institutional framework for this new governing arrangement, which brought the Rana autocracy to an end, was provided for in the Interim Government of Nepal Act 1951. This marks a third phase in the political history of Nepal. This early indication of democratic rule did not progress further, due in part to the failure of the king to hold promised elections to a Constituent Assembly. Instead, he amended the 1951 act to revive and institutionalize an absolute monarchy.

In 1959 the Constitution of the Kingdom of Nepal was issued by King Mahendra, who succeeded King Tribhuvan in 1955. It provided for a multiparty political system that offered ordinary Nepali people an opportunity for the first time to build a modern democratic nation-state. Nine political parties contested the first parliamentary election in 1959, with the NC Party winning an over-whelming majority. Although the newly elected government strove to consolidate parliamentary governance through democratic means, King Mahendra abruptly dissolved parliament on December 15 1960 and, with the support of the army and police, exercised emergency powers. The first democratic experiment had come to an abrupt end (Gupta, 1993; Joshi and Rose, 2004). The Shah king extended his absolute rule through the "partyless" panchayat system, in which villages became self-governing through a chosen group of elders. All political activity was banned. Although elections were held for the panchayat positions, political competition was severely limited.

In December 1972 King Mahendra's son, Birendra, ascended the throne and continued with absolute monarchical rule. Student unrest in 1979 forced him to introduce political reforms by offering a choice between a reformed panchayat regime and multiparty democracy, in a national referendum. The referendum held on May 2 1980 favored the panchayat with a slim majority of 55 percent. The Third Amendment of the Constitution that followed incorporated some democratic practices such as adult franchise, direct elections for the national legislature, and appointment of the prime minister on the recommendation of the legislature. The panchayat regime continued until 1990, when it crumbled in the face of *Jana Andolan I* (a popular movement) led by the NC and United Left Front (ULF), along with a range of communist factions committed to restoring multiparty politics. In response to this popular protest, the king agreed to significant political reforms, marking the introduction of a multiparty parliamentary democracy and an interim government that immediately moved to develop a new constitution for Nepal (Thapa, 1996).

The Transition to Democracy

The Constitution of the Kingdom of Nepal 1990, the country's fifth constitution in 42 years, contained progressive elements when compared with preceding documents. Framed by the Constitution Drafting Committee established by the Interim Government, the 1990 constitution provided for the sovereignty of the people, a multiparty parliamentary democracy, basic human rights, and a constitutional monarchy (Dhungel et al., 1998). The transformation from nonparty politics to a multiparty system was indeed a striking phenomenon that fundamentally changed the Nepali political system in three important ways: it transferred sovereignty from the king to the people; it instituted a parliamentary form of government; and it constitutionally guaranteed the democratic and human rights of the people. Thus, in a country in which the monarch had wielded absolute power for over two centuries, the 1990 constitution was a radical departure, recognizing the king as head of state and the prime minister as head of government (Hoftun et al., 1999; Thapa, 1999). It provided for the rule of law, separation of powers, and protection of the basic liberties of speech and assembly, religion and property. It also recognized the religious and ethnic diversity of Nepali society.

However, state and bureaucratic power continued to be virtually monopolized by a small elite composed mainly of Brahmins and Chetris, ethnic groups who made up less than 30 percent of the population. The 57 other ethnic groups in Nepal were excluded from power and thus felt alienated from the state (Bista, 1991; Blaikie et al., 1980). Discrimination was widespread: people from low caste groups such as *dalits* (untouchables) and those from the *Tarai* areas (flatlands bordering India) were not seen as suitable for army or higher civil service positions. In response, ethnic and regional groups increasingly began to identify themselves in terms of a distinctive sub-nationalism and pressed for their grievances to be addressed through representation in parliament. These exclusionary tendencies have remained a feature of Nepali politics, and in the competition for power and resources Nepal remains divided along urban–rural and caste–ethnic–religious lines (Gaize and Scholz, 1991; Sharma, 1998). Thus although a parliamentary democracy of sorts was introduced in 1991, consecutive governments were unstable and beneath the outward signs of democratic politics there lay deep socioeconomic cleavages.

There is a view that monarchical rule ended with the assassination of King Birendra and his immediate family members in June 2001. His younger brother Gyanendra ascended the throne and pledged to build a meaningful democracy and restore peace. From the beginning Gyanendra was hampered by a problem of legitimacy. This was the second time he had assumed the throne – the first was in 1950 when his grandfather fled to India during the revolution against the Rana oligarchy. As then, Nepalis found it difficult to accept his rule because of his extensive business interests, authoritarian inclinations, and little interest in the welfare of Nepali society. On assuming power in 2001, he alienated the political parties committed to a constitutional monarchy, pushing them closer to the anti-monarchist Communist Party of Nepal-Maoist (CPN-M). The king centralized all powers, simultaneously ascribing to himself the positions of head of state, head of government, and supreme commander of the army. He arbitrarily granted extensive security powers to the army, police, and intelligence agencies, and curtailed civil liberties.

The king's refusal to work with political parties produced a series of developments which almost cost him the throne. First, factions within the CPN-M patched

up their differences and the CPN-M became a united party. Second, the seven political parties represented in the dissolved parliament formed the Seven Party Alliance (SPA) to coordinate their fight for a return to democracy. Lastly, the SPA coalition joined with the CPN-M to launch a political movement. In just 19 days, between April 6 and 24 2006, the royal regime collapsed, creating a third opportunity for democracy-building. Before attempting a critical analysis of Nepal's experiment in democracy-building following the events of April 2006, it is important first to understand the role of the Maoist insurgents in challenging the 240-year Hindu monarchy and in placing themselves at the center of modern Nepali politics (Thapa, 2007).

Understanding the Maoist Insurgency

While internal conflicts were part and parcel of Nepali political history, the Maoist insurgency was different in that it was a grass-roots rather than elite-led revolution. Led by Pushpa Kamal Dahal (better known by his *nom de guerre* "Comrade Prachanda"), who commanded the most radical offshoot of left-wing Nepali politics, a full-blown "war of liberation" erupted with the launch of the *janayudhha* (people's war) on February 13 1996 by the CPN-M (Tiwari, 2002; Thapa, 1999). The people's war initially began in the three western hill districts of Rolpa, Rukum, and Jajarkot. Politically, it sought to establish a secular state or, more accurately, a communist state, which would rule through a Constituent Assembly (CA) whose first task would be to draft a completely new constitution (Maharjan, 2000; Thapa, 2004, 2006; Thapa and Sijapati, 2003).

The Maoist "people's war" was a multidimensional phenomenon encompassing economic, political, cultural, and psychological aspects. The 40-point agenda submitted to Prime Minister Sher Bahadur Deuba had three key demands – people-centered governance, a self-reliant economy, and nationhood – which constitute the central axes of political debate today. Politically, it called for an end to the special privileges of the king and the royal family. It also sought an end to social and political inequalities, ethnic/caste disparities, and discrimination against minorities and disadvantaged groups. Economically, insurgent demands included a nationalization of private property and a redistribution of land through revolutionary land reforms. In foreign relations, it wanted to redefine Nepal's relations with India by abrogating all "unequal treaties" with India and calling a halt to the recruitment of Nepali hill people to the Indian and British armies. This agenda tapped into deep-rooted concerns in society and goes some way toward explaining the rapid spread of Maoist influence across the country. According to one estimate, approximately one quarter of Nepal's 27 million people are considered to be living under Maoist influence (HPCR, 2001; ICGR, 2003). Beyond the Kathmandu Valley, the presence of the state had shrunk to district headquarters and commercial towns, leaving Maoists as the only political group in rural areas. Unlike secessionist movements elsewhere in South Asia, the Maoist insurgency was an internal political conflict in which both sides battled to control state power. The existence of the state itself was not under threat because none of the conflicting parties had the ambition to change the borders or the population structure (Aditya, 2002).

To understand the Nepali conflict and its resolution, it is important to address the issue of state restructuring. The reluctance to restructure is the key reason why the first two attempts at peace talks failed. The Maoists agreed to return to

the negotiating table in January 2003, arguing that the people's war had reached a strategic equilibrium, when both Maoist and government realized that neither could defeat the other by military means alone. After the ceasefire, both made cautious concessions to demonstrate their commitment to the peace process. The government withdrew the terrorist designation of the CPN-M, who in turn signaled a mellowed stance toward the monarchy, and both sides agreed on a 22-point code of conduct to discuss substantive issues. The talks collapsed in August 2003 when the government refused to accept the Maoists' demand that parliamentary elections be held that would decide the fate of the monarchy. The collapse of the talks led some to conclude that a resumption of fighting could turn Nepal into a "failed state" (Zartman, 1995, 2001).

Many see the *Jana Andolan II* (people's movement) of April 2006 as the continuation of *Jana Andolan I*, because both were attempts to limit the power of the monarchy within a constitutional framework. The second movement, which lasted for 19 days, forced King Gyanendra to relinquish power. An interim parliament, or House of Representatives, was constituted that included Maoist rebels, and an interim constitution was drafted and agreed by all parties in January 2007. The king's personal rule would have extended for a longer period, had the political parties not signed a 12-point understanding with the insurgent Maoists in November 2005. Although the Maoists did not explicitly recognize the democratic process, the understanding committed them to a peaceful political resolution. On the other hand, the commitments in the understanding were sufficiently vague not to threaten the CPN-M's revolutionary impulse. This fundamental confusion between the Maoists' ultimate goal and the expectations of constitutional parties that the insurgents would conform to the rules of a parliamentary democracy was a fundamental flaw in the understanding and in the comprehensive peace agreement that followed. The political parties understood that the Maoists would surrender their arms and emerge as a constitutional political group. For their part, the Maoists understood that they would extend the people's power by sharing power with constitutional parties in the interim period and then finally seize power, by force if necessary.

In August 2007 the CPN-M central committee drafted a 22-point constitutional amendment, the most important aspects of which were an immediate declaration of a republic by the interim parliament, a switch to a fully proportional representation (PR) system of election, and the integration of the people's liberation army (PLA) into the official Nepal army without any further delay. The amendment was unexpected because these issues had already been addressed in the interim constitution drafted with the approval of the CPN-M in January 2007. Initially the Maoists explained that the new party position was intended to pacify restive militants who were highly critical of the party for entering the political process. However, it could also be seen to reflect the new assertiveness of the party's militant faction.

In fact, CA elections scheduled for November 22 2007 had to be postponed as a result of the CPN-M's announcement that it was prepared to sabotage the elections if its constitutional amendment was not agreed. There was also a general political realization that, in order for the election to be credible, it was essential to ensure that marginalized, disadvantaged, and regional groups were facilitated in contesting the elections in a free and fair manner. These groups had become restive, perceiving that the interim government had failed to address their grievances. The tensions provoked resignations from the government and legislature and

the formation of a coalition of regional parties. One Cabinet minister and three members of the legislature representing the *Tarai* resigned in order to launch the Tarai Madhes Loktantrik Party (Tarai Madhes Democratic Party or TMLP), which joined with other regional parties such as the Nepal Sadbhavana Party (Nepal Goodwill Party or NSP) and Madhesi Jana Adhikar Forum (Madhesi People's Right Forum or MJAF) to fight for greater representation of the *Tarai*. The regional leaders also charged that the security forces were working in tandem with the Maoist Young Communist League (YCL) against the *Tarai* people and their interests. Instead of addressing these issues, the government announced a three-phase security plan and threatened to use force to enable elections to take place in the region. In December 2007 the interim coalition partners were forced to support a legislative resolution initiated by the CPN-M that formally transformed Nepal into a federal democratic republic subject to the final endorsement of the CA.

Constituent Assembly Elections, 2008

The election of April 10 2008 marks a major watershed, and the fifth phase, in the political history of Nepal. The election was held on the basis of a mixed system of direct elections and top-up nominations. For the direct, first-past-the-post seats, the country was divided into 240 electoral constituencies on the basis of population. The second group of 335 members was elected on the basis of proportional representation, under which Nepalis voted for political parties with the entire country as a single constituency. The third group consisted of 26 persons to be nominated by the Cabinet from among people having made distinguished contributions to the country.

The election campaign took place in an atmosphere of violence by armed groups, political leaders, and security forces. In the *Tarai*, armed groups engaged in terror tactics in an effort to sabotage the elections. Most of the violence, characterized by forced donations, extortions, threats, abductions, and intimidation, was blamed on CPN-M workers and the feared 40,000-strong YCL. The YCL emerged as the most organized and militant political wing of the group, and it virtually ran local governments in the hills. Television interviews with voters in the hills showed local people being intimidated by Maoists into supporting their candidates. Some candidates challenging the CPN-M candidates complained of being forced to withdraw their nominations or face "safaya" (extermination). Many political groups were not allowed to visit, let alone campaign in, CPN-M strongholds.

The threats also emanated from CPN-M leaders. Ram Bahadur Thapa "Badal," leader of the people's liberation army, referred to "conspiracies being hatched by regressive forces" which would result in a massacre. Baburam Bhattarai, leader of the political wing, declared that the Maoists had the capacity to "seize power in 10 minutes, not 10 days," if they lost the elections. CPN-M chairman Dahal threatened not to accept the results if his party lost, and that the party would be "compelled to seize power by force." Joint rallies in the *Tarai* by coalition government partners were marked by intimidation by the security forces and the Maoist YCL. Meanwhile, Maoist groups prevented rival parties from campaigning in CPN strongholds. The party viewed the April 10 vote as a final battle and geared its party machinery accordingly. These preparations stood in contrast to the lackadaisical approach of the major parliamentary parties to the election contest.

The Results

From an electoral perspective, the CA election results surprised the Maoists and astounded the SPA. While most analysts expected the result to be a hung parliament with no party obtaining a clear majority, no one expected the CPN-M to do so well. Of the 17.6 million citizens entitled to vote, 10.9 million exercised their franchise, accounting for a 61 percent turnout. A total of 3,946 candidates from 54 political parties and independents contested the first-past-the-post seats, though 3,129 of them lost their deposits.

Ten of the 54 political parties contesting the polls were communist factions. Altogether, 25 parties were returned to the Assembly, as shown in Table 1. The CPN-M, with 220 seats, became the largest party in parliament, with the grand old

TABLE 1. *Results of Constituent Assembly Elections, 2008*

No.	Political party	FPTP seats	PR votes	% of PR	PR seats	Total seats
1	CPN-M	120	3,144,204	29.28	100	220
2	NC	37	2,269,883	21.14	73	110
3	CPN-UML	33	2,183,370	20.33	70	103
4	MJAF	30	678,327	6.32	22	52
5	TMLP	9	338,930	3.16	11	20
6	NSP	4	167,517	1.56	5	9
7	CPN-Marxist-Leninist (CPN-ML)	0	243,545	2.27	8	8
8	Rastriya Prajatantra Party (RPP)	0	263,431	2.45	8	8
9	JMN	2	164,381	1.53	5	7
10	CPN-Samyukta	0	154,968	1.44	5	5
11	NMKP	2	74,089	0.69	2	4
12	RJM	1	106,224	0.99	3	4
13	RPP-Nepal	0	110,519	1.03	4	4
14	Rastriya Janasakti Party	0	102,147	0.95	3	3
15	Rastriya Jana Mukti Party	0	53,910	0.5	2	2
16	CPN-Ekikrit	0	48,600	0.45	2	2
17	NSP-Anandi Devi	0	55,671	0.52	2	2
18	Nepali Janata Dal	0	48,990	0.46	2	2
19	Sanghiya Loktantrik Rastriya Manch	0	71,958	0.67	2	2
20	Samajbadi Janata Party	0	35,752	0.33	1	1
21	Dalit Janajati Party	0	40,348	0.38	1	1
22	Nepal Pariwar Dal	0	23,512	0.22	1	1
23	Nepa Rastriya Party	0	37,757	0.35	1	1
24	Nepal Loktantrik Samajbadi Dal	0	25,022	0.23	1	1
25	Churebhabar Rastriya Ekta Party Nepal	0	28,575	0.27	1	1
26	Independent, FTPT	2	123,619			
	Total	240	10,739,078	100	335	573

NC Party in second place with 110 seats. The Communist Party of Nepal Unified Marxist-Leninist (CPN-UML) secured 103 seats. Similarly, MJAF and TMLP, launched on the eve of the polls, emerged as the fourth and fifth largest political force with 52 and 20 seats respectively. Smaller parties included Nepal Majdoor Kisan Party (NMKP) 2, Jan Morcha Nepal (JMN) 2, Rastriya Jan Morch (RJM) 1, and independents with 2 seats. The *Tarai*-based political parties such as MJAF, TMLP, and Nepal Sadbhavana Party (NSP) won 81 seats to claim representation for an ethno-national identity. In terms of the gender composition of parliament, 29 women were elected to the Assembly, compared with 544 males.

   The results also indicate growing support for various communist groups in Nepal. The combined strength of the communist factions totaled 343 seats, well over half of the parliamentary places. This is in sharp contrast to the poor showing by the CPN in the 1959 parliamentary elections, Nepal's first free elections, as shown in Table 2. At that election, CPN won just four seats with 7 percent of the popular vote.

   The rise in support for the communist factions since the first parliamentary elections is evident in Table 3. In the 1991 elections, voter turnout was 65 percent (compared with 42 percent in 1959). The CPN-UML emerged as the second largest

TABLE 2. *Results of the First Parliamentary Election, 1959*

Party	Seats contested	Seats won	Polled votes	% of votes
NC	103	74	666,898	37.2
Gorkha Parishad	86	19	305,118	17.3
United Democratic Party	86	5	177,508	9.9
CPN	47	4	129,142	7.2
Praja Parishad-Acharya	46	2	53,083	2.9
Praja Parishas-Mishra	36	1	59,820	3.3
Nepal Tarai Congress	21	0	36,107	2.1
PPRC	20	0	12,707	0.7
PM	68	0	59,896	3.3
Independents	268	4	291,149	16.7

TABLE 3. *Comparative Performance of Parties in Three Parliamentary Elections, 1991–99*

Parties	1991	% votes	1994	% votes	1999	% votes
NC	74	37.75	83	33.38	113	36.03
CPN-UML	69	27.98	88	30.85	69	30.73
RPP-C	3	6.56	20	17.93	11	10.05
RPP-T	1	5.38				
UPF	9	4.83	0	1.32	5	1.39
NSP	6	4.1	3	3.49	5	3.18
CPN-U	2	2.43	0	0	0	6.42
NMKP	2	1.25	4	0.98	1	0.55
Others	0	5.55	0	5.87	0	4.61
Independent	3	4.17	7	6.18	0	7.04

Note: RPP contested both the 1994 and the 1999 elections as a unified party.

grouping in parliament with 69 seats, and 28 percent of the popular vote, after the NC's 74 seats. The pro-Maoist United People's Front emerged as the third largest party with nine seats and 5 percent of the popular vote. The CPN-UML captured five seats in Kathmandu, Nepal's political and cultural nerve center. The combined strength of all the communist parties was 82 seats and presented a formidable opposition.

In the 1994 elections, which saw a 62 percent voter turnout, the CPN-UML emerged as the single largest party with 88 seats and 31 percent of the popular vote. It made significant gains in mid and far west Nepal. However, it lost 20 constituencies it had won previously. The United People's Front (UPF) suffered because of a split, and this helped the CPN-UML to improve its position. Yet the total communist strength was 92 in the 201-member House. However, the split in the CPN-UML in March 1998 benefited the NC in the 1999 parliamentary elections. Despite the split, the CPN-UML won 69 seats, although its breakaway ML faction failed to win a single seat. The communist factions became a minority with a combined strength of just 76 seats.

The CPN-M's success in 2008 is the result of three major factors. First, the CPN-M presented itself as a party with ideological clarity. Its key electoral promise to draft a new constitution and abolish the monarchy, as expressed in the constitutional amendment of December 2007, was an agenda borrowed by other parliamentary parties. Since most political parties were campaigning on a Maoist agenda, people voted for the Maoists rather than for their carbon copies. This also reflects the gains the CPN-M made in terms of "Mao-streaming" parliamentary parties instead of the parliamentary parties mainstreaming the CPN-M. Second, the CPN-M conducted a comprehensive and effective campaign strategy by combining force and organizational power to swing votes in its favor. It fully mobilized the YCL and resorted to terror, intimidation, and threats as electoral tactics. Last but not least, tired of the corrupt and dishonest leadership of the parliamentary parties, Nepalis voted for change by giving the CPN-M an opportunity to address social and economic issues. The advantage of putting former fighters in power also ensured the longevity of peace, however imperfect it might be.

The Post-election Scenario

The CA's first task was to elect a government, a delicate issue given Article 38 in the interim constitution requiring a government to be formed on the basis of consensus among the ruling parties. Alternatively, if such a consensus was not possible, the prime minister was to be elected by a two-thirds majority vote. However, the provisions of the interim constitution could not accommodate the new political realities following the 2008 election. Apart from the numerical strength of the seven parties having changed dramatically, new regional political groups had won a significant number of parliamentary seats. The interim constitution was amended to address this issue. The actual formation of the government was delayed for more than three months because the CPN-M wanted the constitution amended to provide for a presidential government with full executive authority vested in the president. When other political parties rejected this demand, the CPN-M countered by proposing candidates for the positions of nominal president and vice-president. Three major parties in the Assembly – the NC, CPN-UML, and MJAF – joined in an alliance to defeat the election of the CPN-M candidates. In the end,

the CPN-M fractured this alliance, coalescing with the CPN-UML and MJAF to have the CPN-M leader, Prachanda, elected to the position of prime minister with full executive authority. This maneuver was greeted with considerable angst by the NC, a leading party in the CPN-M-led coalition government.

How long the current CPN-M coalition will last depends on how the governing partners accommodate each other's political interests. Their common pledge to establish a federal democratic republic by ending the 240-year-old Hindu monarchy was fulfilled at the first meeting of the Constituent Assembly on May 28 2008. This was a remarkable achievement, as the transition to a republic occurred in a peaceful manner, without resistance from the unpopular king and his supporters. How power sharing actually happens between the powerful prime minister and a nominal president remains to be seen. Nonetheless, the foundations for political stability and economic prosperity that have eluded Nepal for so long appear to be taking root in the 2008 period.

In the medium and longer term, though, the most important challenge is to extend the relatively new peace process into a stable peace and democracy-building. Achieving this aim is not necessarily straightforward. The maintenance of law and order in the country, and especially in the *Tarai* where armed groups are pressing secessionist claims, is an ongoing problem. A second and related challenge is presented by the management of the arms and armies of the Nepal army and the PLA. To address this will require a restructuring of the security forces and the rebel army, to reflect democratic changes and the supremacy of the democratic order. Almost 19,000 Maoist combatants are confined to 27 camps managed and monitored by the UN Political Mission in Nepal (UNMIN). The CPN-M wishes to see the combatants integrated into the Nepali army, but other parties oppose this suggestion as a destabilizing move. There is a clear need for a defined, comprehensive national security plan addressing the above two challenging issues.

An emerging threat to peace and democracy-building is represented by the efforts of the CPN-M to shape the political environment to Maoist principles and policies. In this context, there is a danger that ideological extremism will influence and shape political decision-making. There is a challenge to democratic norms and processes inherent in Nepal's current governing arrangements that can only be met through political accommodation, pluralist decision-making within democratic institutions, and accountability to the public. All in all, then, the 2008 election may have ended autocratic monarchic rule, but it only began the process of building a peaceful democratic society.

Conclusion

History has shown that a transition to democracy generally takes one of four routes. One arises from defeat in a war followed by the imposition of democracy by an outside power, as in Germany and Japan in the aftermath of World War II. Second, a faction of moderate elements may encourage democratization from within an authoritarian regime and initiate a period of liberalization, as was the case in Latin America, Southern Europe, and Russia. Third, political mobilization by a cross-class alliance among those excluded from power may succeed in forcing out the elites and bringing about a democratic government, as in the case of the Philippines, Nicaragua, Czechoslovakia, and many African countries. Finally, a sustained political mobilization from below by working-class actors can force the

regime to negotiate a transition to democracy, as was the case in South Africa, El Salvador, and Nepal (Wood, 2000, 2001).

While the successful transition to democratic rule in 1990 opened a window of opportunity in Nepal, it could not establish firm roots for several reasons. First, the political parties have long historical roots, with many (for example the NC and CPN) founded during the Indian independence movement in the 1940s. They had long experience of political protests and insurgency but very little in terms of policy formulation. As a result, parties were unable to expand their political support base into the vast areas outside the seat of power – Kathmandu – leaving large regions open for the CPN-M to capture.

Second, democratic norms of accountability and responsiveness were alien to parliamentarians, who continued the pattern of elite monopolization of state power and resources. In the process, ordinary men and women were invariably excluded from influencing decision-making, because elected representatives were insensitive to their needs and restricted popular access to the channels of power. The majority rural population were effectively denied political representation and the economic opportunities offered by the new regime that mainly benefited traders, businessmen, and the urban middle class.

Third, the socioeconomic structure of Nepali society led to conflict, with the society divided into various spheres of power, and tensions rising due to the imbalance between the powerful center and the dispossessed periphery. The vast majority of Nepalis were deprived of opportunities for political and economic empowerment, which in turn constricted the functioning of the state. This was partly due to the personality-driven nature of political leadership. All political forces – radical or moderate, national or regional, old or new – continued to be overshadowed by the individual personalities of the upper-class coterie dominating party politics. The party rank and file had little say in party affairs, which, in turn, aggravated the crisis of democratic participation. The fragmented nature of the party system also posed a serious problem for the growth of democracy. Nepal is home to a wide array of political groups, ranging from those devoted to the democratic order to those questioning the constitution and others propounding extra-constitutional methods and outright subversion. This is a serious issue not only because of the political differences among the parties on key issues but also because the rules of the game for democratic institutionalization were also violently contested. Ideological distinctions have been minimal features of the competition among political forces, and tactical moves to retain political power have consistently been substituted for issue-driven politics. In terms of political favor, the expectation (and reality) is that politicians will give priority to vested interests, looking after their immediate family, then their close friends, then the local community, and lastly the people in general.

On the positive side, civil society and the media made a significant contribution to fostering democratic debate during the autocratic monarchical rule. Civil society, comprising neighborhood associations, literacy and scientific societies, and professional groups, gave voice to stakeholders, promoted public education, fueled public debate, and sought to improve the transparency and accountability of government agencies. However, as a mainly urban political force with no particular cohesive identity apart from opposition to monarchical rule, civil society could not articulate a popular political voice. Civil society activities, though, did obtain support from opposition political parties. The media, too, which constitute one

of the strongest pillars of a democratic state, still suffer from a lack of credibility and independence. The state media, both print and electronic, continue to be an unabashed propaganda tool for the CPN-M. State control of the broadcast media has been threatened by the proliferation of private TV and radio companies in recent years. The print media are concentrated in urban areas, and thus reach a relatively small section of the population.

With only three national and two local elections held since 1991 – apart from the April polls of 2008 – an institutional framework for mass politics in Nepal has yet to put down roots. It suffers from tensions between conflict and consensus – a phenomenon described in terms of a 'democratic paradox' – a situation where a country has the opportunity to formalize democratic procedures but soon gets involved in conflicts leading to systematic use of force, resulting in a zero-sum game (Diamond, 1996, 1999). It has been over a decade and half since Nepal moved to multiparty rule and experienced *Jana Andolan I,* which cleared the way for the creation of a new constitution and the introduction of democracy. The monarchy is widely considered a regressive force that does not find favor with any significant political forces in the state. However, in the absence of strong political institutions and enlightened leadership, there is the risk that the abolition of the monarchy could further worsen political instability and social cohesion.

Since 2006 Nepal has experienced a shift from monarchical to republican rule, and this democratic transition has been accompanied by the idea of politics as a nonviolent resolution of conflict and a means to ensure the equitable distribution of resources. Yet hybrid forms of wielding power exist; indicators of political rights and civil liberties remain modest. Nepal is not a case of democratization driven by the middle class, in which arguments are clarified, interests and values are elucidated, and agreements are built on a consensual reflection of majority public opinion.

Whether Nepal will become truly democratic has yet to be seen; Nepalis are not overly optimistic about their political future. Political parties, including the Maoists seem to be thinking tactically rather than strategically, and their sole motive is to gain control of state power and resources. This is the nub of the problem. Nepal's experiment with democracy indicates that political transition and consolidation constitute two quite distinct processes of political change and that the success of the first does not necessarily ensure the success of the second. Nepal is at a critical juncture today. Consolidating democracy calls for the undertaking of a series of far-reaching measures, including the drafting of a new statute for the nation that addresses the key issues of political stability and economic prosperity by building strong political and economic institutions. Political representatives must evolve a long-term view of changing the rules of the game for power sharing. The extremists on the left and right must understand that peace, security, and corruption-free governance can prevail only under a strong, stable, and accountable democracy. Frustration among the common people is widespread, because political parties and factions within them maneuver and counter-maneuver to push their own agendas, ignoring issues of shared economic growth and prosperity. A new plurality in Nepal will require a new breed of political leaders with honesty and integrity, who are capable of running the institutions of democracy and who produce tangible social and economic opportunities for the society.

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