



Nepal's peace process: towards elections for a new Constituent Assembly

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After 18 months of political uncertainty about the prospects for its apparently endless peace process, Nepal is due to hold elections for a new Constituent Assembly on 19 November.

Under the Comprehensive Peace Agreement signed in November 2006, the Maoist insurgency came to an end. A key element of the peace process set in motion was to be a new Constitution.

In August 2008 a Constituent Assembly was elected to draw one up. Doubling up as a legislature, its mandate, which was supposed to have been accomplished by May 2010, had to be renewed on several occasions. However, after the Supreme Court ruled that there could be no more extensions and elections to a new Constituent Assembly must be held, it was dissolved on 27 May 2012.

The main issue holding up agreement on a new Constitution had been federalism, which the Maoists, along with a host of ethnic and indigenous groups strongly supported as a means of addressing long-standing problems of marginalisation and inequality which fuelled the civil war between 1996 and 2006.

A series of beleaguered interim governments had sought over the years to keep the peace process moving forward. With the dissolution of the Constituent Assembly in May 2012, the Maoist Prime Minister, Baburam Bhattarai, suffered defections from his government, which lost much of its legitimacy. The opposition Nepali Congress (NC) and the Communist Party of Nepal (Unified Marxist-Leninist) [known as UML] called for a non-Maoist prime minister to oversee elections to a fresh Constituent Assembly.

In June 2012, growing divisions amongst the Maoists over (amongst other things) the process of integrating some of its former soldiers into the Nepali Army – official name: the Unified Communist Party of Nepal (Maoist) [UCPN (M)] – led to a full-blown split. Kiran, the leader of the rebels, and his backers established a new party called the Communist Party of Nepal – Maoist (CPN-M). The controversial integration process was officially completed in April 2013.

Unsuccessful attempts to establish a new 'national unity' interim government continued throughout the rest of 2012. The date for holding elections for a new Constituent Assembly had to be pushed back several times as deadlines set by President Yadav for forming a government came and went. With no legislature in place to appoint new judges, by the end of January 2013 the Supreme Court found itself down to six judges. Protests and street clashes intensified. In the same month, the CPN-M agreed a strategy of 'people's revolt' (as distinct

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from the 'people's war' pursued by the Maoists during the civil war).

The dangerous political log-jam was finally broken in February 2013, when the UCPN (M), NC and UML agreed that Supreme Court Chief Justice Khil Raj Regmi should head a new interim government and organise June elections for a new Constituent Assembly. However, elements of the NC and UML opposed the move, along with the CPN-M and some of the ethnically-based parties, partly on the grounds that it blurred the separation of powers between the judiciary and the executive, but also because it was felt that consultations about the proposal had been inadequate.

The ethnically-based parties also agitated for a threshold of votes for winning seats in the Assembly of below the 1% being proposed and opposed reducing its size. Meanwhile, the CPN-M organised more nationwide strikes, threatening to boycott and disrupt the elections.

In April 2013, the main parties within the interim government decided to further postpone the elections until November. A specific date, 19 November, was announced in June. One reason for the postponement was that more time was needed to organise the elections; another was that the additional delay would allow time to try and bring some, if not all, of the parties threatening to boycott and disrupt them on board.

Negotiations with the CPN-M and its allies began in late August 2013 but collapsed almost immediately; they reconvened on 17 September but again made no progress. The CPN-M called for the election date to be put back again and for Chief Justice Regmi to resign as Chief Justice. It also responded angrily to a presidential decree mandating the army to provide security for the elections. However, some of the other 'rejectionist' parties now agreed to take part in the elections.

If the elections do go ahead as planned, another turbulent interregnum will come to an end and efforts to agree a new Constitution can at last resume. But it is highly unlikely that Nepal will suddenly become an oasis of political calm. The capacity of the CPN-M and its allies to disrupt the elections should not be underestimated. The CPN-M may be a minority faction, but it is led by very experienced figures and has the support of a significant number of the Maoist rank-and-file. With the army ranged directly against it, there could be an upsurge in violence.

Such prognoses may lead some to despair that the peace process in Nepal will ever reach its final destination. But there remain grounds for hope that the country will eventually find its way there, albeit by a very circuitous route. The International Crisis Group (ICG) has in the past cautioned against excessive pessimism about the country's prospects. It argued in a [report](#) in 2010 that there is considerable "order in chaos" in contemporary Nepal:

Nepal's transition from war to peace appears chaotic. Many commentators warn of coming anarchy; the establishment fears a collapse of the social order and the fragmentation of the nation. But such fears are misguided. Nepal is not in chaos; its transitions may be messy and confusing but they are not anarchic. There is an order within the political change, albeit one that can be mysterious and unappealing to outsiders; the resilience of Nepal's political processes acts against fundamental transformations.

Background: SN04229, "[Nepal's endless peace process, 2006-12](#)" (11 October 2013); ICG, "[Nepal's political rites of passage](#)", Asia Report No. 194, September 2010; "[Nepal's Colonel Kumar Lama charged in UK with torture](#)", *BBC News Online*, 5 January 2013; "[Nepal: the Case of Colonel Kumar Lama](#)", ICJ, n.d; "[The UK and Nepal](#)", GOV.UK (last accessed 10 October 2013)