

Polity IV Country Report 2010: Nepal

<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Score:</td> <td style="width: 15%;">2009</td> <td style="width: 15%;">2010</td> <td style="width: 15%;">Change</td> </tr> <tr> <td>Polity:</td> <td>6</td> <td>6</td> <td>0</td> </tr> <tr> <td>Democ:</td> <td>6</td> <td>6</td> <td>0</td> </tr> <tr> <td>Autoc:</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Durable:</td> <td></td> <td>4</td> <td></td> </tr> <tr> <td>Tentative:</td> <td></td> <td>No</td> <td></td> </tr> </table>	Score:	2009	2010	Change	Polity:	6	6	0	Democ:	6	6	0	Autoc:	0	0	0	Durable:		4		Tentative:		No		
Score:	2009	2010	Change																						
Polity:	6	6	0																						
Democ:	6	6	0																						
Autoc:	0	0	0																						
Durable:		4																							
Tentative:		No																							
SCODE	NEP	CCODE	790	Date of Report	1 June 2011																				
Polity IV Component Variables																									
XRREG	XRCOMP	XROPEN	XCONST	PARREG	PARCOMP																				
2	2	4	6	3	4																				
Date of Most Recent Polity Transition (3 or more point change)																									
End Date		24 April 2006		Begin Date																					
				18 May 2006																					
Polity Fragmentation: No																									
Constitution	1990/2007 (interim)																								
Executive(s)	Prime Minister Jhala Nath Khanal (UCPN-ML); indirectly elected by Constituent Assembly, 3 February 2011 President Ram Baran Yadav (NCP), indirectly elected by Constituent Assembly, 19 and 21 July 2008																								
Legislature	Constituent Assembly (601 seats, 240 directly elected, 335 proportionally elected, 26 appointed; most recent elections, 10 April 2008) Communist Party of Nepal-Maoist (CPN-M): 220 Nepali Congress Party (NCP): 110 United Communist Party of Nepal-Marxist/Leninist (UCPN-ML): 103 Madhesi Jana Adhikar Forum: 52 Other parties: 90 Appointed: 26																								
	Supreme Court																								

Narrative Description:¹

Executive Recruitment: Transitional or Restricted Elections (7)

In 1990 a multi-party system of governance was instituted in Nepal replacing the autocratic *panchayat* structure that was instituted in 1962 after a short-lived experiment with democracy. During this time all activity that did not mesh in with the *panchayat* system was legally banned as all political power was concentrated in the hands of the King. A small-scale uprising in the first quarter of 1990 resulted in the

¹ The research described in this report was sponsored by the Political Instability Task Force (PITF). The PITF is funded by the Central Intelligence Agency. The views expressed herein are the authors' alone and do not represent the views of the US Government.

decision by King Birendra to establish a constitutional monarchy. Since the promulgation of the democratic constitution in November 1990, Nepal has experienced a succession of weak governments, few of which have lasted more than a year. Despite this turmoil, all elections since 1991 have been viewed as free and fair by international observers.

Between 1990 and 2002 the elected Prime Minister maintained virtually unlimited policy making discretion in Nepal. While the powers of the King remained significant, they were rarely used. The King exercised certain powers with the advice and consent of the Council of Ministers. These include exclusive authority to enact, amend and repeal laws relating to succession. The constitution also permitted the King to exercise emergency powers in the event of war, armed revolt or economic depression. In such emergencies the King was entitled to suspend many basic freedoms and civil liberties without judicial review, although he was not entitled to suspend habeas corpus or the right to form associations. Under this new constitutional order, the King's declaration of a state of emergency had to be approved by a two-thirds majority in the National Assembly if longer than three months in duration.

Despite the constitutional limitations on the monarchy, King Gyanendra has recently reasserted the power of the Crown in the wake of the death of King Birendra in 2001. In May 2002 the King, at the request of Prime Minister Deuba, dissolved the legislature in preparation for new elections scheduled for the fall of 2002. The source of the conflict between the King and the legislature stemmed from the failed effort by Prime Minister Deuba to convince the National Assembly to extend the state of emergency in Nepal (which had been in place since November 2001). As the Maoist insurrection in the country escalated in the summer of 2002, the King agreed to Deuba's request to postpone legislative elections until November 2003. During this period it was proposed that an all-party government would be designated to run the country. This proposal, which was backed by all the major political parties, nevertheless, was rejected by the King. The King decided that none of the political parties were up to the task of governing the country. To show his displeasure with the country's descent into political anarchy, in October 2002 the King sacked Prime Minister Deuba and assumed full executive powers. In an effort to consolidate his political power the King swore in a cabinet made up of politicians chosen by him. In June 2003 the King named a veteran leader of the pro-monarchist cause, Surya Bahadur Thapa, as prime minister.

In April 2004 the King indicated that legislative elections would be held by the spring of 2005. In preparation for the return to democratic politics, King Gyanendra reappointed Deuba to the post of prime minister in July 2004. The reappointment of Prime Minister Deuba was widely viewed as a political setback for the King, whose last two prime ministers proved unable to pacify either the Maoist rebellion or the persistent street protests staged by the five-party opposition alliance. In the summer of 2004 Deuba formed a four party coalition government which excluded one of the country's largest parties, the Nepali Congress. Despite the nominal return of representative government in 2004, by early 2005 the political situation had once again deteriorated. On 1 February 2005 the King once again sacked Prime Minister Deuba and assumed direct political control of the country. The King stated that elections would not be held until the Maoist rebellion was defeated and security was restored to the country.

On 24 April 2006, in the face of increasing urban protest spurred by opposition parties, continuing armed rebellion and siege by Maoist forces, and external pressure, King Gyanendra reinstated the elected legislature that he had suspended when he assumed direct rule. After he appointed Girija Prasad Koirala of the Nepali Congress Party as Interim Prime Minister on April 30, the legislature acted to remove the King's executive powers on 18 May 2006. Elections for a constituent assembly, originally scheduled for June 2007, were re-scheduled for November 2007 due to disagreements with the Communist Party of Nepal-Maoist (CPN-M) over their insistence that the monarchy be abolished and Nepal be declared a republic prior to the establishment of the constituent assembly. The CPN-M had joined the interim government as a result of the 21 November 2006 peace accord that ended their armed rebellion. The reform process in Nepal was guided by the United Nations Political Mission in Nepal (UNMIN). Elections for the Constituent Assembly were finally held on 10 April 2008; the CPN-M emerged as the largest party with 240 delegates in the 601-member assembly.

The Constituent Assembly met for the first time on 28 May 2008 and immediately, and nearly unanimously, voted to abolish the monarchy. Interim Prime Minister Koirala resigned on 26 June despite a stalemate in forming a transitional government. On 21 July, Ram Baran Yadav of the NCP was elected president by the assembly and, on 15 August 2008, Pushpa Kamal Dahal (known as Pranchanda; CPN-M) was elected prime minister and formed a transitional government. On 17 November 2008, a timetable was established for drafting and promulgating a new constitution in May 2010. In a dispute over authority and the integration of former combatants in the military, Prime Minister Pushpa Kamal Dahal resigned on 4

May 2009 and was replaced by Madav Kumar Nepal, leader of the Unified Communist Party of Nepal-Marxist-Leninist (UCPN-ML), and backed by an ad hoc 22-party coalition. The CPN-M stood as the main opposition party.

Jhalanath Khanal, leader of the Communist Party of Nepal (CPN-UML), was sworn in as the country's prime minister on 6 February 2011. His ascendancy to power was solidified when his party reached a secret pact with Maoist leader Prachanda. Despite public declarations by the Prime Minister that he would not compromise on plans to integrate former Maoist rebels into the state's security agencies, it is widely believed that he has decided to circumvent this facet of the 2006 peace accord in exchange for their support of his bid to become prime minister. Prachanda has demanded that his 19,000 former Maoist rebels not be integrated into the nation's armed forces. Instead, he has insisted that they should form a separate military arm of the state. Angered by the apparent secret pact between the CPN-M and the CPN-UML, the Nepali Congress party decided to stay in opposition to the ruling coalition. Nepal had been without a formal prime minister since 30 June 2010, when Prime Minister Madhav Kumar Nepal (CPN-UML) resigned after the government failed to deliver on their 28 May 2010 deadline to promulgate a new constitution.

Executive Constraints: Near Parity (6)

The shift toward constitutional monarchy and the empowerment of legislative politics proceeded during the 1990s in large part due to the immense popularity of King Birendra and his willingness to allow the fledgling democracy to assume the leading role in Nepalese politics. However, plagued by increasing political in-fighting within the legislature and a mounting Maoist insurrection throughout the country, King Gyanendra dissolved the legislature in May 2002 and assumed absolute control over the country in October 2002. On 22 November 2005, however, seven parliamentary parties from opposite ideological extremes and representing various economic classes, including the Maoist Communist Party, agreed on a 12-point memorandum of understanding that called for a return to democratic rule through the creation of an elected constituent assembly. The memorandum called for a protest movement, called the Loktantra Andolan (Democracy Movement) against the monarchy to begin in early 2006. This protest movement, combined with continued pressure from the Maoists and international community, led to the King's political downfall in spring 2006. After reinstating the legislature and Prime Minister Koirala in April, the King's executive powers were stripped by the legislature on 18 May 2006. Prime Minister Koirala's executive powers are sharply limited by his relationship to the legislature.

Political Participation: Factional Competition (7)

Since the advent of the multi-party politics in Nepal in 1990, there has been a strong tendency for politics to be played out in the streets, through protests, demonstrations and strikes, rather than through institutional mechanisms. Political parties remain weak and are plagued by in-fighting and nepotism. Party fragmentation, government instability, and the persistence of poverty and inequality in Nepal have resulted in the formation of a serious peasant insurrection in this country (primarily in the midwestern and western hill regions). The United People's Front (UPF), formed in 1996, grew out of a radical Maoist wing of the Nepal Communist Party that believed that political change would occur in Nepal only through the violent eradication of the monarchy and the establishment of a communist state. In addition to the class-based appeal of the UPF, the rebels also claim that smaller ethnic groups have provided them with support. These include the peoples of Tamang, Khumba and Magar origins who have complained of discrimination by the Brahmin-dominated central government. Human rights groups have accused both the rebels and the government of serious human rights abuses. Over nine thousand individuals have been killed in the civil war. Since 2001 there have been numerous broken cease fires between the government and the UPF, but no lasting peace emerged until the King and the royalists responded to intensifying popular and international pressures by returning the country to rule by the elected government on 24 April 2006. Immediately after returning to power, the legislature stripped the King of most of his powers, including command of the Nepalese Army. A cease-fire followed and peace talks were reopened; a comprehensive peace agreement was concluded on 21 November 2006, under which the former rebels reformed as a political party.

A major issue of contention in the period following the peace agreement emerged over the future status of the King and Nepal's constitutional monarchy. The former rebels insist that the monarchy must be abolished before they will participate in a new constituent assembly to draft a new constitution; others insist that the future of the monarchy be determined by the constituent assembly. Further complicating the post-war reconstruction has been the outbreak of riots in early 2007 between the Madhesi (lowlanders) in

the southwest and the Maoist rebels over how the interests of the lowland agriculturalists will be represented in the central government. The country has long been dominated by the highlanders, historically by the royalist/landowning Rana and more recently by the urban elites. The rapid mobilization of the lowlanders at once undercuts the bargaining power of the Maoists, who had controlled the rural areas during the civil war, and presents a fundamental challenge to the highlander-dominated government to integrate the lowlanders and their interests in the ruling structure. The lowland Madhesi of the southern Terai region mobilized in January 2007 to pressure the government for regional autonomy and more effective representation in the government. Unrest continued to mount until an agreement was signed with the United Madhesi Democratic Front on 28 February 2008 to end a 16-day general strike and a fuel blockade that had cut off supplies to the capital. The integration of the UPF and the lowlanders left the traditional Nepali Congress Party as a minority, opposition party in the constituent assembly formed on 28 May 2008.

Politics in Nepal became increasingly acrimonious in the wake of CPN-M leader Pranchanda resignation as prime minister on 4 May 2009 in a dispute over authority and implementation of reconciliation accords. The biggest stumbling block revolved around the integration of CPN-M fighters in the armed forces. Mass strikes and demonstrations paralyzed the country in December 2009 and the unilateral declaration of “autonomous areas” in Nepal by the CPN-M directly challenged the authority of the stalemated Constituent Assembly. A brokered agreement among the three major parties in January 2010 sought to break the political deadlock but failed to bring stability to the country. While the two main armed parties have maintained their ceasefire since early 2006, violent political conflict has continued unabated. In recent years hundreds have been killed in the Tarai and numerous high profile assassinations have occurred. Youth gangs associated with the country’s major parties continue to engage in daily acts of violence.