

## A Transitional Success Story: The Nepali Experience with Power-sharing

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In November 2006, a ten-year civil war in Nepal formally ended with a peace agreement signed between the Maoists and seven major political parties. The agreement mandated power-sharing between the groups in an attempt to maintain unity in the country until elections could be held. Specific power-sharing measures to guide Nepal through this transitional phase included the formation of a grand coalition government and consensus decisionmaking. Despite the emergence of spoilers to the peace agreement, the positive-sum nature of the negotiations, the flexibility of the power-sharing mechanisms and the strong national ownership of the process all strengthened the likelihood of a successful transition from civil war to representative democracy. National elections were held in April 2008, and in August a new government led by Maoist leader Prachanda was formed.

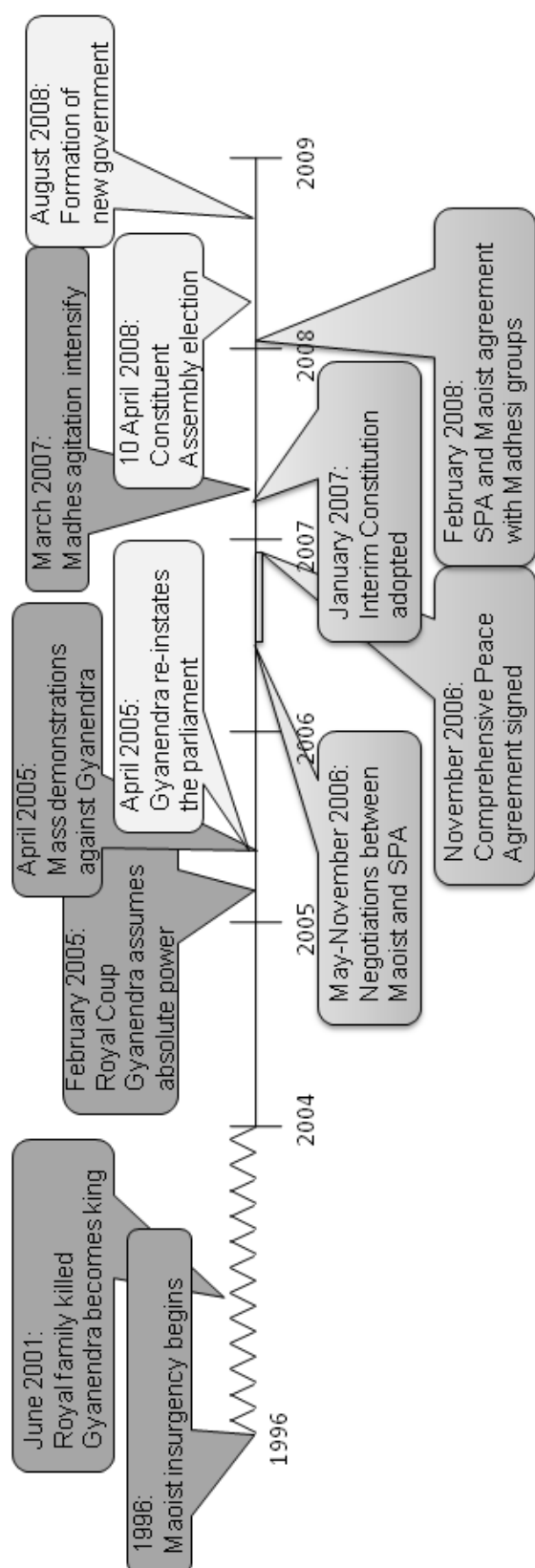
### The Nepal Civil War: 1996–2006

The ten-year civil war in Nepal began in 1996 when the Communist Party of Nepal-Maoist (or CPN-M, also known as the Maoists) launched a

violent insurgency against representatives of the government of Nepal. The Maoists justified their fight through an ideology that defined violent political struggle as an extension of class warfare against elite domination of political and economic life. The Maoists grew in areas where a vacuum of government prevailed, directing their attacks against ill-equipped state institutions, including the police and army, as well as civilians. The conflict increased in scope and intensity over time, and King Gyanendra responded in 2005 by disbanding Parliament, instituting a pan-Nepal political emergency and directing the Nepal Army to attack the Maoists. However, these measures turned popular support against the king and brought the Maoists, political parties and civil society together to demand a return to democracy. Massive nonviolent demonstra-



## Timeline



tions organized jointly by the Seven Party Alliance (SPA) of mainstream political parties and the Maoists were held in April 2006, forcing the king to relinquish power and reinstate Parliament. Subsequent negotiations between the Maoists and the SPA culminated in a Comprehensive Peace Agreement (CPA) signed in November 2006. The CPA formally ended the civil war, in which over 13,000 people were killed and hundreds of thousands more displaced.

### Power-Sharing in Nepal

The CPA introduced formal political power-sharing measures into Nepal. The agreement established an interim coalition government designed to allow the political parties and Maoists to work together as caretakers until representative elections could be held. The CPA did not allocate specific positions to the various parties, but mandated that all decisions in the interim government should be taken by universal consensus, and that parties would share responsibility for security sector, economic and human rights reforms. These measures were also incorporated into the Interim Constitution, which was adopted in January 2007.

During 18 months of operation, the interim government surmounted a number of challenges to its legitimacy as a governing body. Notably, new actors representing Madhesi ethnic groups from southern Nepal emerged as potential spoilers to the peace process. Madhesis comprise up to 50% of Nepal's population, but their representatives were shut out of the CPA, leading some to use political violence to press their primary demand of more autonomous governance. Negotiations between the government and Madhesi groups culminated in five amendments to the Interim Constitution in February 2008. These amendments increased the potential for Madhesi representation in future government through elections, but also diluted some of the power-sharing measures that gave representation exclusively to the SPA or Maoists.

Constituent Assembly (CA) elections in April 2008 gave citizens the right to directly elect representatives for the first time in Nepal's history. The elections finalized the shift from a pre-election consensus model of decisionmaking to a simple majority framework (50% plus one vote) in the new CA legislative body, ending the formal power-sharing model used in the transitional period. No party achieved 50% of the vote, mandat-

ing the creation of a coalition government led by Maoist leader Pushpa Kamal Dahal (a.k.a. 'Prachanda'). Although most politicians in Nepal still speak in the language of consensus, 'power-sharing' and grand coalition, the initial legislative sessions and framework of the amended Interim Constitution confirm that simple majority rule will be applied if consensus is not reached.

### Lessons Learned About Power-Sharing from Nepal

The use of political power-sharing facilitated the transition from war to representative democracy in Nepal. This successful experience can be ascribed to a number of factors, which provide four primary lessons about the utility of power-sharing in a post-civil war context.

First, a significant factor in the success of the power-sharing agreement was the 'positive sum' nature of the negotiations. Both the Maoists and the political parties negotiated for and obtained a role in the new government that was equal to or greater than their influence before the ceasefire was signed. This scenario was made possible by the fact that one of the major groups involved in the fighting (the Nepal Army) chose to defer to the government of Nepal after hostilities ended, relinquishing military control at a time when a military coup would have been conceivable.

Further, the success of the post-conflict process is also due to the strong local ownership of the political framework. Nepal benefited from assistance and support from international actors throughout the peace and electoral processes, but the structure of both the CPA and the elections were outcomes of Nepali actors' own initiatives and previous experience. This factor increased commitment on the part of the major actors, gave the process additional legitimacy among politicians and the public in Nepal, and facilitated solutions



Constituent Assembly Election 10 April 2008:  
First man to vote in Kathmandu after three hours of waiting.

that were realistic, country-specific and sensitive to local needs.

Third, the case of Nepal confirms that power-sharing arrangements can provoke the emergence of 'spoilers'. This problem was tempered in Nepal through a flexible document structure that did not concretize party representation percentages, and used language vaguer than in many other power-sharing agreements. This allowed the parties to focus more on thematic areas

### Results from the Constituent Assembly Election 10 April 2008

Party	Votes	%
Communist Party of Nepal (Maoists)	3,145,519	30.52
Nepal Congress	2,348,890	22.79
Communist Party of Nepal (Unified Marxist-Leninists)	2,229,064	21.63
Madhesi Jana Adhikar Forum	634,154	6.15
Tarai-Madhesh Loktantrik Party	345,587	3.35

of agreement, and to worry less about exact details that were comparatively less essential. For example, when Madhesi groups emerged to demand a share of political power, negotiators were able to address their demands within the CPA because the power-sharing arrangement was flexible enough to satisfy the needs of the Madhesis without representing a fundamental challenge to the CPA's legitimacy as a whole.

Finally, the Nepal case teaches the lesson that consensus politics of power-sharing can lead to political stagnation, hence highlighting the im-

portance of sunset provisions. The primary goal of Nepal's power-sharing measures was to encourage unity during the fragile period between the end of hostilities and elections, and in this regard they can be considered successful. However, other critical issues, including land reform and equitable economic policies, went unaddressed during the interim period. This reflected the widespread belief in Nepal that the job of the interim assembly was little more than to guide the country through the immediate post-conflict stage.

### About the Authors

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### About the project

This policy brief forms part of a project entitled 'Power-Sharing Arrangements, Negotiations and Peace Processes', which has produced a series of policy briefs and reports on Nigeria, Liberia, Sierra Leone, Burundi, Kenya and Nepal.

The full report and policy briefs can be downloaded at:

<http://www.prio.no/CSCW/Research-and-Publications/Project/?oid=65122>

### About CSCW

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### About PRIO

The International Peace Research Institute, Oslo (PRIO) is an independent and multidisciplinary research institute located in Oslo, Norway. The Institute is also involved in the promotion of peace through conflict resolution, dialogue and public information activities. PRIO owns and edits *Journal of Peace Research* and *Security Dialogue*.



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978-82-7288-296-8



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