THE
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Nepal After the 2013 Constituent Assembly Elections
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I. Introduction

This brief report contains the findings of a limited Carter Center assessment of the political and constitutional process in Nepal after the 2013 constituent assembly (CA) election. The report's purpose is to summarize . The legislature-parliament also passed a long-

a two-thirds vote are in the early stages but, so far, are viewed as credible and welcome.[5] Members of government parties stressed the need to include groups and political forces without extensive representation in the CA to ensure sustainability of compromises on constitutional issues. In Kathmandu and the districts, representatives of political parties and interest groups expressed willingness to be flexible on their issues of core interest in order to bring a new constitution, as much as possible, by consensus.

Several interlocutors noted that, unlike in 2009-12, factionalism within the major political parties does not map onto clear public disputes over policy and strategy. For the moment, this may make cross-party cooperation and agreement easier than in the past in spite of continuing difficulties within political parties. The successful passage of the bill establishing a TRC and Commission on Enforced Disappearances was suggested as evidence of the importance of this change to the political process. One probable reason for this development is the successful implementation of the 2011 agreement on former Maoist combatants, who had been in cantonments since 2006. The closure of the cantonments was seen by many as a decisive event that made the peace process "irreversible" and thus tempered disagreements within the NC and CPN-UML over the credibility of agreements reached with the UCPN(M).

2. There is broad concern that the CA's promising start, as well as opportunities for progress and consensus, may be squandered by a lack of effective, proactive leadership.

Party members, civil society representatives, and other citizens identified several failures of leadership that they worried posed risks to the constitution writing process, including a potential for a return to old patterns of deadlock. The failure of the Council of Ministers to agree on the 26 appointed members of the CA was the most widely cited instance of a lack of leadership. A senior UML member complained, "There can be no justification for the delays in their nomination. Many, many people expect positions and

Most interlocutors, including advocates of varying forms of federalism, believed that a reasonable, broadly accepted compromise on state restructuring would be possible, but that it would require statesmanship among top party leadership and dialogue with potential spoilers. The early engagement of top political leadership on state restructuring was seen as crucial to promoting constructive dialogue43669.36 470iting

6.

IV. Conclusion and Recommendations

Nepal is in a promising but potentially fragile moment. Compromise and progress on the basis of the first CA is possible, and many Nepalis assess that the process has begun reasonably well. The Nepali people and their political representatives are to be congratulated for overcoming the partisanship and deadlock that followed the dissolution of the 2008-12 CA, for holding credible and broadly accepted elections in 2013, and beginning work in the new CA in the spirit of compromise, consensus, and on the basis of the historic accomplishments of the previous assembly.

At the same time, there is a need for the government to exhibit stronger leadership in order to overcome significant risks to the constitution-making process and the eventual implementation of a new constitution. The slow pace of government formation and the CA process, and a perceived lack of engagement by senior political leaders on difficult constitutional issues, have raised unnecessary doubts about the commitment of the government and political parties to the principles of the 2006 peace process and subsequent agreements. Many Nepalis are optimistic about the ability of the CA and political