

Full Length Research

Does Democracy Matter? A Study on Challenges for Peace in Nepal*

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Nepal has travelled a long way in political and social terms through three waves of democracy in 1951, 1990 and 2006; it had six constitutions in six decades (1948 to 2007) and it is struggling to have a seventh now. The latest turning point in its history was the Comprehensive Peace Agreement in 2006 that ended the decade long Maoist conflict and subsequent abolition of the Hindu monarchy by the elected Constituent Assembly in 2008. Yet, it has failed to adequately promote and strengthen the institutions of democracy and overcome the problems of class, ethnicity, regional and gender discriminations, and economic disparity largely due to weird manipulations of political mafia from among limping proletarians of orthodox Marxism-Leninism-Maoism through pompous democrats. This induces one to visualize vulnerability to two kinds of threat: return of authoritarianism or roller-coaster form of conflict in a corrupt state. Nepal's current instability is also linked to its geo-strategic position and omnidirectional foreign policy incompatible to serve peace, stability, prosperity, and democracy. This is an important inquiry for research.

Key Words: Democracy, Monarchy, Constituent Assembly, Maoist Insurgency, Peace, Republic, Federalism, Election, Transition, Liberalism, and Constitution

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INTRODUCTION

A country's political system evolves on the basis of its history, culture, makeup, and prevailing political and social conditions. But one striking feature of the great political quake that hit the international arena at the close of 1980s is often phrased as 'the end of the state-centric architecture' (Clesse, Richard and Sakamoto 1994) when general discourse had also begun on good government and democratization. In practical terms, soon as the Soviet Union had vanquished, some sort of democracy coming up globally was seen as a land mark, a trend that Francis Fukuyama (1992) had dubbed as the triumph for Western liberalism although the desirable quality of democracy has varied significantly across countries and over time; particularly as a sole force capable of bringing all the stakeholders of the polity in the decision-making process. However, there is no disputing that all critical debates concerning the nature of democratic governance and lessons learnt so far grapple with the pertinent question: Why seemingly intractable issues have not been resolved despite endless negotiations?

It's a paradox. Discussion on democracy often involves many interpretations. Democracy is a multifaceted phenomenon that embraces citizens' involvement with electoral politics, their participation in political activity, their satisfaction and trust in state institutions and their rejections of the use of violence for political ends, but the political culture must be compatible with the principle of liberal democracy. Scholars often remind that democratization process is prone to generate clashes on methods, strategies, and forms to be adopted. It does not end with the toppling of a tyrant, or loosening of the dictator's grip on the tools of propaganda making claims for deep democracy or with establishing a responsive government. The persistence of an exclusionary socioeconomic structure marked with severe poverty and extreme inequality on the one hand and rupture of the old order presented by the transitional period on the other hand have produced highly unstable social order in many new democracies, which is characterized by new forms of violence along with resurgence of old patterns, creating a 'violent democracy'. The most direct implication of the third wave democratization is that people now have elemental attachment with their political system and perhaps the most visible gain has been the election as a functional basis for political power. (Huntington, 1993)

Accounting the post-Third Wave developments from the perspective of political democracy, few would deny that liberal principles are widely creating entirely new institutions of political representation. Such developments have taken place in much of the world although the progress has never been smooth and uniform. This pattern is now perhaps on its march, where many people participate in democratic politics, which may foster a basis for future gains. However, the paradox is that the

progress in strengthening democracy through grassroots mobilization and 'representative and accountable power systems based on a set of compromises have yet to be built into the foundation of democratic thought and practice'. (Held, 1995) To an extent, discussions normally focus on the premise that in a democracy citizens must enjoy formal political and civil rights, there is rule of law and political pluralism, elections are competitive, there are division of state powers, the media is uncensored, and a political regime is committed to promote politics based on empowerment of political institutions in which masses have a say in the decisions that concern them posing a 'systemic risk'. (Posner, 2010) It may be argued that creating a deliberative democracy is invariably painstaking in a country on the road to liberalization.

It has also been said that an ideally democratic situation would be the one where the public become more democratic when more of the people have effective control over representative politics, for instance, appropriate democratic institutions, policies and practices. (Cunningham, 2002) On the other hand, the way transitional politics have been structured since the fall of communism in the former Soviet Union and Eastern Europe, one problem that has cropped up is to keep the leaders honest while the other is that all nascent democracies contain antidemocratic features even in the basic law of the land as they keep struggling blatantly to find a right balance between the 'citizen-state relationship to secure reasonable democracy.' (Dalton, 2006) One reason for this may be that various concepts of democracy are at once prevalent there. In fact, when political actors, in pursuit of power, devote a lot of energy in orchestrating and choreographing their agenda, there lurks a danger of personalization of politics that might severely threaten the chances for a democratic order and a variety of social movements pertaining to statehood, caste, ethnicity, and religion. Although there are tensions in determining appropriate politics, the fact remains that the world indeed has been witnessing increasingly unbridled freedom of expression and association. There is a fundamental change in the situation which was not conducive to an inclusive and stable democracy.

Perhaps an ideal democracy is that which has, as Dahl says, 'no more problems to solve as the objectives have been attained fully or perfectly realized'. (Dahl, 1982) However, the outcome remains uncertain because democratization involves radical changes in political, social and economic relations. Radical change is never easy and smooth. The process of political liberalization gradually imparts new freedoms and liberties which eventually help the polity become democratic. Until the Third Wave, democracy was limited to a small number of countries. But, even limited successes of developing societies in recent decades have shifted the nature of

politics to promote visions of representation and citizen politics which some scholars describe as 'social and civic engagement.' (Dalton, 2006) They differ substantially in their functioning and some of them are not even able to break free from the old central command system characterized by monolithic, self-interested and short-sighted policies.

The development of democracy cannot be fully explained by one single factor; for democratization invariably confronts a unique paradox which is extremely difficult to comprehend. Democracy blooms only if political actors fully internalize the rules of the game along with required reforms that impart authority to the participatory process through which people get to rule themselves. However, the reality is that many new democracies that seem functioning are not even capable of bringing together the society as a whole. This indicates that democracy involves a lot more than a formal structure that is laid down by the constitutional authority and legislative enactments. Indeed, the challenge has not been just to overthrow the regime and end the fighting, but also to do so in a way that brings in long-term stability and peace. With the transition from various forms of undemocratic rule, things are changing very rapidly with contextual effects on political behaviour, especially on the proletariat demonology that got rid of instilled strife, fear and brutality toward humanity. In fact, a number of emerging polities have shared, over the recent years, remarkable commitment to democracy in spite of intractable barriers like frail economy, post-conflict tensions, little participatory tradition, bureaucratic incapacity, and corruption.

There is no finished model of democracy available nor is democratic development linear. It seems reasonable to assume that the lack of reliable tradition casts a shadow over the prospects of democratic institutionalization. On the other hand, we designate political actors as umpires for democratic progress because citizens have involved themselves very little in politics. As such, they behave as if hooked to the traditional clientele mechanism, which culminates in even lesser incentive to develop a political culture favourable to pluralism and representing the people as a whole. All such factors restrict the scope for democratization process. (Cunningham, 2002) The logic of the argument is not complicated; for consolidation of democracy is a process that can only be attained if it becomes broadly and profoundly legitimate and acceptable among the citizens 'in non-monopolistic, competitive conditions.' (Suleiman, 2003) And yet, Suleiman adds that at the very least 'a consolidated democracy requires a democratic government capable to protect citizens from the despotic use of political power in an orderly, predictable and legal manner.' (Ibid)

Scholars argue that democracy is a matter of power and power-sharing. An authoritarian state must pass through several phases of liberalization, democratization

and its consolidation that begins upon conceiving how properly to grant power to the people that had previously been the monopoly of the privileged few what may be termed as personalization of power. (Huber et. al, 1999) Nonetheless, it would be undeniable that there may be negative impacts of democratization in the countries struggling with excessive injustice and social inequality due to the long legacy of authoritarian rule than those having shorter authoritarian experience. The lessons learnt from the past two-plus decades are multiple and also their respective achievements vary considerably. In particular, there is little evidence to prove that democracy is panacea. Political actors have generally been found reluctant to share their powers. Time and again, they have shelved implementing decentralization of political power so much so that they have often failed to push through even radical reform programs to meet public needs. It is evident that structural reforms have symbolic or rhetorical implications. A general criticism and disappointment in the past two decades is that the political parties, despite having been inspired to modernize the state and having made loud promises to change, have served merely to conform to their leader's solidarity, who is more akin to a private sector proprietor.

Modern democratic state relies on the notion that its citizens should be able to choose freely the form and the direction of their polity. But, it is also clear that democracy is neither the source of miseries nor an instrument through which one may tackle them all. Whenever this has been pinpointed over the past three decades, we tend to agree that democracy has not been found quite effective in tackling diverse and potentially conflicting demands nor having an accountable power system that may create new rules and practices to produce the desired result, including combating plutocrats who have restrained the scope of democracy to formal voting mechanism where citizens are considered as mere consumers at their enterprise. (Faucher-king, 2005) At the same time, the progressive transformation of the state and society based on a liberal constitution itself is open-ended. Here again, at the roots are the politics and policies of the political parties and political institutions that constitute the *raison d'être* for the strategic reforms of the social and economic structures that address a set of questions, in particular to determine the 'practical demands of politics.' (Held, 1995)

There remains a gap between the rhetoric and the reality along with a patchwork of solutions for the public sector reform that has lost many of the promises toward better political management with fundamental transformations, especially citizens' protection from the arbitrary use of political authority and coercion. (Ibid) As Held puts it, democratization and modernization without dampening citizen engagement radically restrict the scope to create a democratic political society, which would take several years to take place on the

ground,(Ibid) but most scholars describe the democratization reforms since the 1990s as sweeping, impressive, and successful. (Malone, 2011) Similarly, Suleiman goes on to observe that the formative phase of democratization has the challenge to create a new and efficient representation and political participation, therefore at the very least it requires a political system which is capable of carrying out the main functions when politics is more involved in the empowerment of the masses that gives satisfaction to many. (Suleiman, 2003) Several factors are responsible for the institutional pluralism and representation, wherein many parties, as with any democracy, are a powerful tool of representation, and many bodies share power, provide a mechanism and check on despotic power. Some pundits explicitly advocate that every society discovers its own pattern of, to borrow Lasswell's terminology, authority 'practices'. (Goldstein, 1975)

Transition to democracy is a complex process stretching over many decades, and democracy, moreover, is by definition a competitive process which is not feasible, as claimed by Przeworski, in a modern representative polity unless all the relevant players commit themselves to stay on a particular track on all political matters. For him, one most relevant and crucial factor for the foundation of a democratic society is that all democratic regimes require firm agreement on the most basic set of rules and constitutional order to accelerate the process of democratization at the minimum level. (Przeworski et al, 2000) The implicit message, it seems, is that only those having basic institutional structure and an adequate number of institutions stand a good chance to institute democratization. Since transition is a formative interval between the preceding and the forthcoming political regimes, it must face structural constraints, including evitable bifurcations and inevitable reversals, primarily because the environment may not be conducive to the prevailing social, cultural, economic, and institutional conditions that remain largely unaffected by the ongoing debates on transformation and democratization. So, if the late 1980s had ushered in significant political transformations worldwide, there is probably no single factor that can account for the kind of constitutional framework that may be adopted.

The growing popularity of democratic regimes, which Huntington calls 'wave of democratization' of the 1980s, opened a new window of opportunity to restore legitimate authority and created a space for public control over politics where the people's demands may be articulated and rights exercised for peaceful coexistence. (Huntington, 1993) As Young says, 'people value democracy because it enhances the ability of individuals and groups to promote and protect their interests through such mechanisms as the best means for confronting injustice and promoting justice.' (Young, 2000)

While talking about the transition toward democracy,

scholars emphasize upon setting up of adequate institutions, whether or not at their initial stages they are inclusive for political and economic stability, or have acquired legitimacy through the due process, or intend to remain accountable to the people. It holds true and has been amply shown that the transition to democracy proceeds peacefully when pertinent institutions for smooth functioning of a democratic society are in place. This interpretation assumes that institutions are considered democratic only when common people can influence public decision making. In other words, should democracy survive and thrive, it must rely on political institutions by broadening their scope and adhering to democratic norms.(Dalton, 2006) This implies, at the theoretical level, that maintaining democratic stability requires citizens to agree on the limits of the authority of the state that they are to defend. There is no one model, modern or classic that suits all. After all, a country is not designed according to some form of democracy; it is rather vice versa. But one thing is essential: framing of right vision. Some feel that democracy may become politically stable when and if there is requisite scope for consensus-building on crucial national issues, accountability and citizens' participation that are the features of institutional legitimacy. Lijphart argues that majoritarian political institutions are not always suited to plural societies having divisive ethnic issues and systematic exclusion of minority groups; in such cases, 'consociationalism', i.e. consensus serving as the pillar of civic inclusion, may also be looked into. (Lijphart, 2008 and 1999)

It is frequently argued that economic development acts as a thrust toward quick democratization, which plausibly fits with Lipset's theory that democratic consolidation requires 'overwhelming' influence of economic development. Democracy, according to such arguments, is more likely to be consolidated in relatively wealthy nations and is less likely to emerge in poor countries. The correlation between high income and democratization is, of course, not simple and automatic, as the cases of Singapore, Malaysia and Brunei show. Again, it may always be debatable how much economic development would be necessary for smooth functioning of democracy in a country. It would not be insignificant to note that democracy may persist and even flourish in a poor country as has been illustrated by the case of India, which carries some 40 percent of global poverty and where the poor live in terrifying conditions despite having been given priority to their struggle for economic development; this is startling in contrast to Lipset's hypothesis that 'wealth sustains democracy'. (Bhaskaran, 2011) Examples may be sited on and on. Of course, some level of economic growth does help democracy sustain in the long run; there is no 'iron law' to measure the development of democracy in terms of economic growth. Although we may assume that people in poorer

countries in general have low confidence in democracy, the political developments of the late twentieth century have shown that a number of emerging countries have remarkable commitment toward democracy despite intractable barriers like weak economy, post-conflict tensions, little participatory tradition, bureaucratic incapacity, and corruption. In fact, no single factor can be held reliable to solve some fundamental problems of democratization. There are countries where the majority of the people have no confidence in their government, yet they have participated amazingly in the democratic process, including electioneering, in the last two decades.

Take for example Nepal. Despite successful proclamation of the federal democratic republic and election of broadly representative Constituent Assembly (CA) in 2008 and a second CA again in 2013, it is demonstrated that political restructuring of the state, especially the issue of federalism, has increasingly become a subject of divisive debate. Democratization has not taken roots largely because democracy not only rests upon the representation of different group interests but also on economic mechanism to redistribute wealth across society. One main reason for suspicion is that in spite of having open political discussions that allow the citizens to be connected with the parties and other forms of associations committed to democracy, the genuine control of the people over the political institutions is yet to begin. Due to the opening of political space, demands from citizens will continue to grow that would compel the government to continue being responsible for a wide range of activities despite formidable structural obstacles, which with more people living under some kind of democracy in the world today is certainly a landmark achievement. (Hagopian and Mainwaring, 2005)

As Mayorga has observed, 'one of the salient features of the political landscape of post-third wave democracy is that it departs from the traditional, hierarchical, incoherent, unpredictable, interventionist, personalistic, and clientelistic style of politics to a situation in which the political system involves a wide range of activities that constitute democratization reforms to a large extent in many countries more effectively and efficiently through which the people may cooperate in order to govern the society and do so in a more democratic, inclusive and participatory manner. (Mayorga, 2006)

Democracy building is a difficult and often disheartening process which is prone to be spurred by crises that generally involve punctuated instabilities, hardships, deadlocks, and other dangers. Its prospects are delicate due to the relative lack of democratic culture and continuation of overbearing conservative forces. Another reason is the people's declining trust in politicians, political parties and governmental institutions. The lessons and respective achievements of democratization reforms in the past two decades-plus years have varied considerably from one country to

another. Nonetheless, it would be undeniable that a transitional government, moving from a non-democratic regime to become a democratic polity, requiring conformity in formal institutional structure while accommodating societal pluralism fairly does get discouraged due to the high degree of uncertainty about the rules of the game. In the words of Gottlieb, democracy is that which must grow from the people. (Gottlieb, 2013)

It has been argued that democratization cannot be achieved without representation, restraint, rule of law, accountability, responsiveness, freedom, and equality. A series of political reforms have occurred in a large number of countries, especially a majority of the public can be seen to make the state more democratic, helping pluralism and institutional changes to grow while the capacity of the state to satisfy them is somewhat different. The general point is this: democratization aims to create a society which enables citizens to exercise power through participation and to assess their capacity to govern by themselves. There have also been wide divergences since they do not constitute a clear view on how democracies should organize themselves. (Suleiman, 2003) While democratization depends a lot on the type and level of fairness of political institutions and on how leaders develop and accept the new organizational culture, the major problems that have plagued the country and raised doubts about democracy relate to party tyranny, propaganda politics, domination of the few over the elite minorities, mass passivity, and the lack of competence and creative consensus. A regime need not have popular approval. What is essential is that most of the population should believe that the system is indeed suitable for them. However, two conditions are essential to stabilize democracy: first, the democratic structures must not be a mere facade for actual governance, and second, elections must have a well enunciated role in the subsequent composition of power and policies. Admittedly, even now it remains a feature of political science and political punditry ever since Aristotle proclaimed that democracy is related to power. But, when we consider political power, we find its pattern fundamentally different from what was faced in the ancient times; the potential implications of democracy are still significant. (Dalton, 2006)

It may be argued that the unanticipated circumstances of rapid transition from authoritarian rule, in a highly fluid context which may lead to a new democracy or another era of authoritarianism, now seem to require an expedited process of constitutional drafting and adoption in order to sustain the momentum of democratic transition. Usually, the process of political development is gradual and experimental, and there may be no specific finish-line. However, if democracy is defined as a system having widespread people's participation, where their needs can be articulated and their rights represented,

constructing institutional means for peacefully resolving clashes over tangible interests, including disputes about fundamental values and specific institutional strategies to manage cultural pluralism, along with functional demands of economy and political-bureaucratic structures that can win public support for the regime, formidable challenges remain. (Alberts, 2009) It is true that all societies have to struggle for their radical transformation. And there is no single route to democratization, which implies that without fresh methods and new actors in the political process, the probability of a democratic breakdown is high, regardless of the regime type or the institutional framework that exists. (Cheibub, 2007) Democratization aims to create a society which enables the citizens to exercise power through their participation and to assess their capacity to govern by themselves.

Scholars believe that to forestall a return to authoritarianism, a democratic transition from it usually involves a process of movement in three phases: collapse of authoritarian regime, beginning of new democratic phase, and consolidation of democratic values. Yet the heroic attempts of the people around the world to dislodge their tyrants and the wholesale construction of new constitutional settlements have exposed the societies to the challenges arising from cultural diversity and pluralism, which may be regarded as stunning political transformation after the conclusion of the Cold War in international politics. Wood argued that 'the long history of rule in the service of the few rather than many is not easily superseded and Nepal is no exception to this trend with a bleak scenario for democracy's viability. (Wood, 2005)

It is not merely universal adult franchise that defines the quality of democracy, which depends on the capability and integrity of the organs of the state, institutions of governance and the extent of people's participation in governance. While constitutional framework and human rights guarantees can build the grammar of democracy, it is always the people and the ethical quality of the political process that make democracy work. Democracy involves dignity, diversity, dissent and development. Unless the last person can celebrate one's sense of dignity, exercise democratic dissent and involve oneself in the process of governance and development, democracy would be an empty rhetoric. Democracy dies where discrimination begins and the politics of exclusion strikes root. The difference between democracy and dictatorship is not so much in the way the governments behave, but in the capacity of the opposition to offer an alternative always and of the media to expose any wrongdoing whatsoever. Problems arise when the people are offered no alternatives, for instance when a tyrant can suppress the opposition or if a formidable opposition is just not there. And the latter scenario depicts the situation exactly where Nepal is at present.

The Political History

The politics of modern Nepal began in 1769, when an ambitious and charismatic Gorkha King named Prithvi Narayan Shah annexed and retained some four dozen principalities known as '*chaubise*' (conglomerate of twenty-four) in the East and '*baise*' (conglomerate of twenty-two) in the West, which were like the ancient Athens and Sparta, although large scale insurrections and bloody battles continued to take place all through the late 1800s. During the Middle Age, the areas now comprising Nepal were governed by many kings, mainly performing the function of collecting revenue that severely afflicted the impoverished people till they fell to the Gorkha King's military conquest. In this way, a new state Nepal was established with a single national identity 'Nepali'. King Prithvi was the great innovator here; he had established a garrison-like state and wielded sovereign power. Many Nepalese believe that he built not only the state but also a new society for protecting the country from foreign invasion and internal subversion. One positive effect was that the early phase of the monarchic rule from 1769 to 1846 was remarkably stable, as documented by the historians of Nepali political regime. But it is also a fact that the political power was vested on one person, the king, which contributed to a Leviathan state marked by high degree of epitomizing centralized political, economic and administrative management. There are others who believe that through the central control, a more unitary state was created leading to segregation of social and ethnic groups of cultural distinctiveness to such an extent that compelled minority groups to assimilate the dominant language and religion in the name of national unification, integration and cohesion. With that the members of minority got disconnected to be represented in public life to engage in rational political discussion in construction of their common interests, rather than being involved in 'a politics that seeks to organize people on the basis of a group identity' to use Young's metaphor. (Young, 2000)

It is difficult to interpret democracy because of various associated dimensions. Nepal's ruling elites robbed politics through regimented authoritarian orders imposed within strict institutional barriers to avoid broad representation of the society in the affairs of the state, where the people remained stifled by the remnants of a series of exclusionary, formal as well as informal, practices. The rivalry among the ruling elites helped ultimately cut them off from rest of the society. The few ruling elites enjoyed a great deal of latitude in all sectors of state powers and resources in a society where the people had no free standing, politically speaking. It is difficult to calibrate the core of the state established by Prithvi who was busy consolidating his monarchy supported by the military which was often an actor in the political game, but grew and thrived as well. Therefore, if

we are right, the state provided no room to the people, by the same token, for political participation or to have smooth access to public offices due to highly centralized form of governance, where politics is nothing but a means to consolidate the authoritarian character of monarchical state. After the death of Prithvi in 1777 the authorities did shift here and there at the top, but no powers were devolved to the people. (Thapa, 1999) The manifested monarchical power gradually passed on to various regents, clans and factions, alternating at times but otherwise it was always in their iron hands that the state administration enlarged, reorganized and centralised yet further where ultimately the monarchy lacked any real capacity to govern. Since there was no established rule of the game that the political actors could draw upon while performing their functions, multitude centers of powers cropped up in the society that upheld their respective personalistic and clientelist rule. Here was a political system that functioned autocratically, and the functionaries were able to resist even the crown's directives they did not agree to. All this led to complete lack of tolerance and respect for the mass and society. As Hadenius (2001) remarked, 'successful garrison state under opportune conditions can have the capacity to produce certain favourable results appreciated by the citizens, but in the countries where autocracy has emerged victorious in running its own affairs in the main, it leaves a great deal of room for exercising extensive controls on the activities of the citizens to take place.'

Nepal's second turning point was in 1846 when the Ranas, a native ruling clan, staged a bloody coup known as the *Kot Massacre* by making the monarchy their captive, silencing all their opponents and reducing the successive kings as their puppets. Public power was exercised through oppression and they were able to assume virtually all autocratic powers that had traditionally been held by the feudal monarchy. In 1856, Jung Bahadur Rana, the founder of the new regime acquired the royal seal, the *Lal Mohar*, from King Surendra by which he was not only granted the title of *Maharaja* (Highness) but also the powers to exercise rights over life and death of the Nepali people. The same order also authorized him to establish a dynasty of Prime Ministers, by which the prime ministership would pass on from Jung Bahadur to his brothers. The Ranas ruled the country with their peremptory command and established themselves as the real authority of the state. Ranas did not have to remove the monarchy; however, in the aftermath of Rana rule, it was in a somewhat semi-collapsed stage.

There was no limitation to their exercise of power until they were overthrown by a people-powered movement in 1950. Together with a few others, Ranas were the sole beneficiaries as the members of a single polity. Put in other terms, although the royal throne was at the apex of the hierarchy, the supreme power had completely shifted

to the 'Rana throne.' Eventually the king became a helpless rubber stamp at the hands of Ranas. At another level, between 1846 and 1950, Ranas kept the country isolated from the rest of the world, when not only very few foreigners were allowed to visit the capital Kathmandu, but also restrictions were placed on the travels of Nepalese citizens to and from the Kathmandu valley. In order to settle in the Valley, even Nepalese citizens had to obtain prior permission from the Rana administration. It was quite natural that in the eyes of general public living beyond its immediate confines, the Valley itself came to be identified as 'Nepal.' And it was customary till recently that ordinary Nepali visiting the capital would exclaim that he was going to 'Nepal.' In the absence of a proper political system, the control of the Rana family over the country was so total that it was virtually turned into their private estate and their only aim was to enlarge their family fortune.

In political terms, with the installation of their regime, the Ranas did nothing except draining the Nepali treasury. There was no constitution or legal code to protect the ordinary citizen from the Rana absolutism. The Ranas had seized all the state powers and occupied all high posts in civil and military affairs including those in the executive, legislative, and judicial sectors. The oligarchic regimes before 1950 in Nepal had to depend only on a few select classes of the society for sustenance of their authority. Inspired by the winds of change sweeping across the colonized world, eventually the Rana regime crumbled in February 1951 and a new chapter opened in the political history of Nepal. (Hoftman et.al, 1999) Another crucial change, ironically, was that the unrestricted powers hitherto enjoyed by the *Maharaja* prime minister were transferred to the *Maharajadhiraj* king. Achieving democratization in Nepal is still a long way and difficult process; however, it must be noted that while elsewhere in Asia the natives had to face foreign oppressors, in Nepal the oppressors were Nepalese themselves. Unlike in India, no substantial middle class having access to modern ideas of democracy and nationalism could develop in Nepal. In order to overthrow the Ranas, the revolt had to come largely from Nepalese individuals living in India at the time. The political change in 1951 undoubtedly had a great impact on every important aspect of both the state and the society.

The First Attempt at Democratization, 1951-1960

In this section, we will briefly oversee the first phase of democratization that started in 1951 with the end of century-old Rana Oligarchy that gave way to an assertive monarchy. There is of course a paradox here, since the political system that was adopted had hailed multiparty democracy characterized with limited monarchy, in which for the first time, ordinary Nepalis got an opportunity to

involve themselves in the process of nation-building; although popular will always trumps, it operates under constraints, to be sure. (Barber, 1998) The leaders of political parties that were crucial in the revolt that overthrew the Rana rule became increasingly adamant to grab and remain in power. Their constant wrangling conflicted with the monarchy's view of its own dignity and party leaders. Under the new political dispensation, monarchy was still the country's supreme authority that controlled the most powerful force in the nation—the army—and the king found it an immensely useful tool with which to wield his prestige and authority. On the other side stood a couple of principal political parties and a multitude of breakaway factions and other small parties slashing each other that made the king's position more secure. He even strengthened his position by gaining access to the traditional instruments of power including the administrative machinery and the country began experimenting with a limping democracy. In the following eight years, political parties of different ideologies, brands and sectoral interests mushroomed. Vying for possible seats in a new government in the process, these political parties were competing with each other.

During this period, a number of short-lived governments were formed, several advisory assemblies were constituted and numerous political parties were created and melted, but the transformation of the society from the traditional to a modern one never materialized. Throughout the first five years of post-Rana rule, inter and intra-party squabbles were so severe that building and consolidating democratic achievements took a back seat. Besides, successive governments had to frequently confront, at times seriously, the two traditional power elite—the king and the recently deposed Ranas. While the main target of the deposed Ranas was the Nepali Congress party (NC), the king followed the classic tactic of Machiavelli who had advised the 'prince' to keep his enemies divided to strengthen control over the kingdom. Since the new political forces were little united to put a combined fight against the traditional power wielders, such as the Ranas and the king, this tri-polar struggle kept the country far away from modernity.

The first political crisis appeared in 1953 when the ruling NC was divided between the followers of B P Koirala, who favored socialist solutions of Indian style and as advocated by Jayaprakash Narayan, and M P Koirala, the brother of B P Koirala, who led the pro-monarchy faction within the party and had an indirect support from the then Indian government under Prime Minister Jawaharlal Nehru. In India, Nehru and Narayan were rival politicians. Thus, the internal division of NC cannot be characterized purely as an indigenous outcome. This incident made other political forces more watchful. An Indian bureaucrat was the king's principal secretary. He was even allowed to attend cabinet meetings where he would be consistently safeguarding

the Indian interests within and outside the vital state functions. The political life of the country had continued to adopt a top-down approach that benefited only a small minority. Clearly, Nepali governments during the early fifties leaned more and more on the support of the Indian government and the king readily agreed to follow its guidance that made democracy fall victim to the king's hand quickly. The situation became worse only when Nepal started inviting the Indian army frequently to suppress internal conflict ignited by the Ranas, communists, or any other political groups that wanted to discredit the Congress's role in the anti-Rana movement and could not accept India as the liberator. (Singh, 2007) During the 1950s, the scope of Nepali democracy was very narrow; partly due to factionalism and intriguing politics, the immediate outcomes of which were far from beneficial.

The Indian influence on Nepal's domestic affairs had become less effective after the death of King Tribhuvan in 1955. But the struggle to establish democracy was a painful process as the environment was elitist, feudal, and anti-democratic. In addition to external factors, internal factors were responsible for such a situation. The political parties intensely competed with each other and worse, quarrelled over petty issues, leading to frequent cabinet reshuffles. Another reason was the limited experience of the political leaders who could not properly handle the political power they had gained. As such, the period between November 1951 and February 1959 had witnessed a succession of short-lived governments that functioned under the interim laws or according to the king's directives. Also, whenever the king found a minister non-cooperative, he replaced him by someone without a popular support. After 1951, however, the leftists in the political spectrum began advocating for the elections for Constituent Assembly (CA) to write a new constitution, the mechanism which King Tribhuvan himself had offered soon after his return from self-exile in India. At the political level, during the period from 1951 to 1958, a good many power-seeking political parties continued to emerge when there were also some attempts to build a political base but they utterly failed to bring in fundamental change, and the result was devastating. Since the political parties remained divided on the issue of CA elections, by the end of 1950s they got a jolt from the newly enthroned King Mahendra when he moved dramatically and promulgated a new constitution setting out a new political structure and declaring parliamentary elections without consulting the political forces, which were preoccupied with personal feuds and internal bickering.

The 1959 constitution introduced some democratic innovations with obvious limitations as it aimed at making it 'suitable to the genius of our country.' It settled the issue that a new constitution be drafted by a Constituent Assembly. It came as a 'gift' of the king to the people. It

provided for a Cabinet Government but the power sharing between the king and the elected prime minister remained blurred. The king could summon parliament without consulting the prime minister, he could appoint anyone from outside parliament as prime minister, and the king enjoyed authority to reject the prime minister's recommendation to summon parliament. The king had also power to declare a state of emergency. Yet, it was a democratic innovation to be consolidated for a stable, effective and democratic political system.

In less than a week following its promulgation, Nepal held the first ever election to parliament. The NC won with an overwhelming 74 seats out of total 109 seats in the House of Representatives (Pratinidhi Sabha). The victory of the NC was a milestone in the uncertain politics of Nepal as it was expected to provide a stable government. It gave the impression that the exercise of multiparty democracy had reached new heights or political maturity. The outcome was that its leader B. P. Koirala became the country's first elected Prime Minister. On May 16, 1959, the King invited Koirala, the leader of NC, to submit a list of his cabinet colleagues, and finally on May 27, a new government was formed. This was the first elected government with an overwhelming majority in the parliament. At the same time, there were enormous challenges for the new government—the burden of past mistakes, administrative inefficiency, general mismanagement, and moreover, how to fulfil its election promises.

Even before Koirala was settled, he came under a combined and concerted attack from forces ranging from communists to extreme rightists who had declared an open war on the government. It was basically a reaction to some economic reforms, mainly the restructuring of different forms of privileged landownership such as *birta*, a tax-free land given by the rulers to their kith and kin to sustain their rule that helped create absentee landlordism with a chain of intermediaries between the real tiller and the titleholder. Such practice of granting lands had reached its height during the Rana regime. Since the governments prior to 1959 did not usher in any significant change in the socio-economic and political life of the country, not even discarding the strongest legacies of authoritarianism, the new government had numerous tasks to fulfil in order to create a democratic society. But the government suddenly faced strong resistance from the leading parliamentarians of the ruling party, due to the on-going inner conflict within the party.

Despite the resistance from the opposition and his own land-owning party members in the parliament, Koirala took a bold measure announcing the abolition of the system of *birta* land. But the opposition to the reforms were so intense that they resulted in violence. The elected government had neither achieved the authority to implement economic reforms nor could establish itself firmly enough to do what was needed for introducing

political and economic reforms. In such a state of uncertainty and administrative inadequacy, power continually shifted in favor of the king, the only remaining unifying symbol. Within 18 months of the installation of an elected government, the king clamped emergency by using the military and in a single stroke dissolved parliament on December 15, 1960. The royal proclamation came to be characterized as 'the greatest political hoax plugged in modern times upon democracy.' (Agrawal, 1986) With the scrapping of parliamentary system and outlawing political parties, there was left no institution worth the name that could restrain King Mahendra from adopting another political framework in consonance with his political axioms and aspirations. (Chauhan 1971) A number of factors emboldened the king for the actions such as the personal feud and bickering among political leaders, personality clash between a charismatic Koirala and an ambitious Mahendra, and chilling relations between India and China that eventually fought a war in 1962.

Nepal under Absolute Monarchy, 1960-1990

King Mahendra had embarked upon creating a constitutional structure to remain at the pivot. Political parties were banned and freedom of expression was throttled to the delight of the traditional forces. In 1962, he introduced a new constitution, which was similar to Charles de Gaulle's Fifth Republic. It proclaimed: 'The sovereignty of Nepal is vested in His Majesty and all powers – legislative, executive and judicial – emanate from him. Those powers will be exercised by His Majesty through the organs established by or under this constitution and other laws for the time being in force, keeping in view the interests and wishes of His Majesty's subjects according to the highest traditions of the Shah dynasty.' (Government of Nepal, 1962) It was amended in 1967 and 1975, but only the amendment in 1980 was forward-looking as it allowed adult franchise even though the heart of representative democracy – political freedom and basic human rights – continued to be widely abused. It provided for a unicameral parliament that was little more than a rubber stamp agency. Judiciary appeared to be autonomous but there was hardly press freedom.

A student uprising in the 1979 forced the king to put the regime to a referendum, offering a limited choice between 'reformed panchayat system' and a 'multi-party system.' The May 2, 1980 vote went in favor of the regime with a slim majority of 54.7 percent. The reform that followed included direct elections for the national legislature, adult franchise, and greater press freedom. However, the reforms did not go far enough to allow people's representatives to participate in key decision-making. It was a make-shift arrangement that diffused the political crisis in the immediate term leaving huge gaps for

dissension in the long-term.

The reforms were also incapable of accommodating the civil society, interest groups, voluntary organizations, and community associations in the democratic process that even exist outside the state but are generally thought to play a vital role linking the citizens and the state, which enable the public sector organizations to function more democratically, transparently and effectively as being one potential way of enhancing democracy and participation. To quote a group of keen observers of political and economic development in Nepal :(Seddon et al. 1981)

... since the assumption of absolute powers by the King and the institution of so-called 'Panchayat democracy', the economic situation of Nepal has deteriorated significantly, despite the increasingly large volume of foreign aid provided by India and other countries.

The 'partyless' system led by the king, however, collapsed in 1990 under the weight of a popular movement led by the NC with strong backing from the United Left Front consisting of communist parties.

The Second Attempt at Democratization, 1990-present

The post-1990 popular movement witnessed a series of transitions from constitutional monarchy to the Maoist insurgency, active monarchy, and ultimately the proclamation of a federal democratic republic. There is a hope for a new era of peace, stability and development, even though the struggling transition is sickening. Rafting through the historic political rapids, our view is that democracy in Nepal is a paradox, if not a mirage. All its flaws run deep. At the surface, it is less delicate and more fragile. Institutional weaknesses are widespread. The elite dominance remains persistent. Even abuse of the highest public offices is rampant.

Nepal's nascent democracy's most pressing problem was the *Jana Yuddha* (people's war) the Maoists launched in February 1996 against multiparty democracy. It ended when an alliance of the political parties opposed to the ambitious King Gyanendra and the Maoists signed a 12-point 'understanding' brokered by the Indian government in 2005 to end 'autocratic monarchy.' The House of Representative, dissolved in 2002, was restored, and one of its first acts in 2006 was to 'suspend' the monarchy. A Comprehensive Peace Agreement, signed in November 2006, brought the Maoists to the national mainstream. The Constituent Assembly, elected in 2008 to draft a new constitution to institutionalize a federal democratic republic, abolished the 240 years old monarchy. Although the Maoists seem to be struggling to come to terms with competitive politics, their fiefdoms in the countryside is over and democracy is seen as the only recipe for moving forward the Nepali society. There have been conflicting interpretations for the Maoist

insurgency. For some, it was simply terrorism; to the Maoists, it was a peasants' uprising against a feudal order; and to others it was India's proxy war to get rid of monarchy that was increasingly unpopular since the Royal Palace massacre in June 2001. If the Maoists abandon their 'revolutionary romanticism,' which had resulted in the death of some 18,000 people, largely innocent civilians, and wounded thousands permanently, displaced hundreds of thousands, and destroyed unlimited amount of public and private properties, there is a bright spot for democratic reforms.

The abolition of monarchy enjoys a broad popular support in the Nepali society except for a section which is not happy with the process adopted in abolishing the institution leaving a political vacuum. Personal over ambitions of leaders and their feud have prevented an agreement on a new constitutional framework. The fear is that this could prevent the institutionalization and consolidation of democratic gains as in the 1950s and the 1990s. Yet, the second phase of democratization is considerably different compared to the earlier periods as the monarchy has been abolished, the military has been loyal to new democratic leaders, and the debate on new political order has become extensive. Politically, the revolution in 2006 for a republic had ended the combat phase of the Maoists' conflict and brought them into the mainstream. Nepal now confronts serious deficiencies in the process of restructuring the state, i.e. the formation of a liberal-democratic, republican, multi-structured, secular, and federal state in the absence of vibrant interactions in both social and political circles to yield meaningful negotiations.

Developing New Political System

A second Constituent Assembly (CA-II) was elected on 19 November 2013 after the failure of the CA-I to draft a new constitution. It dramatically changed the composition of the assembly with the centrist Nepali Congress party (NC) emerging as the largest party, followed by the social democratic Communist Party of Nepal-Unified Marxist Leninist (UML) as the second largest party. This seemed to change the game because the CA-I had the Unified Communist Party of Nepal Maoist [UCPNM] as the largest party and the Madheshi regional parties had the combined strength of the second largest formation in the 601-member assembly. The NC and the UML were reduced into minority parties. But despite the majority they commanded, the UCPNM and their Madheshi supporters failed to draft a new constitution within the given tenure of two years after which it extended its tenure by a year, then again by six months and again by six months. It terminated after it failed to draft a constitution even after extensions. When its last extension was challenged, the Supreme Court

ruled that there could be no more further extension and it must devise a way out to resolve a possible deadlock and complete the drafting of a new constitution.

There are basically two reasons for the change in the balance of political forces in the CA-II. Hours before the CA-I was to terminate at midnight on 27 May 2012, the Maoist-led government announced that the election for another CA-II would be held on 22 November 2012, without any consultation with the coalition partners or having taken the stakeholders into confidence. After long squabbling, political parties signed an eleven-point agreement at midnight on 13 March 2013 that laid the basis for the formation of an Interim Election Council (IEC) headed by Chief Justice (CJ) Khil Raj Regmi who was propped up by the UCPNM. The main task of the eleven-member IEG that consisted of mainly retired senior bureaucrats as nominated by the four political parties under a quota system was to hold CA-II election on 23 November 2013. In this sense, the EG was just an extension of the four parties' syndicate; it came under heavy criticism because a CJ-led government violated the principle of the separation of powers and put a question mark on the independence of the judiciary. But it did a credible job of ensuring that elections were far more free and fair compared to the CA-I elections.

The second reason is the performance of the political parties between 2008 and 2012 when most main parties headed one or the other coalition governments. The voters seemed to generally support the agenda for change but seemed to discard radical solutions to the country's problems. The voters seemed to have punished the UCPNM for the breakup of the party and making tall promises without any inclinations for delivery. The defeat of the Madheshi parties even in the Madheshi constituencies was seen as rejection of their lust for power and corruption and distrust on their ability to address the Madheshi issues of social and political discrimination.

The main reason for the CA-I's failure was the lack of an agreement on the basic framework of a new constitution. Most divisive issue is the federal restructuring of the unitary Nepali state, mainly the basis on which they have to be created. Not only the very meaning of federalism is deeply contested and disputed. The layers of structures remain to be agreed upon. The sharing of power remains to be decided. The issue of prior rights remains to be settled. There are also now demands that a new constitution provide the right of a province for cession from Nepal. The NC and the UML favor common identity and financial viability as the basis for federal provinces whereas the UCPNM insists on ethnic identities. The Madheshi forces have been asking for 'One Madhesh, One Province,' which is largely perceived as being backed by the Indian establishment to divide the southern plains bordering India and the hills. The issue of federalism has thus regional implications

with India suggesting that it would be comfortable with at most two provinces in the Tarai, if a single Madhesh province was not acceptable to the hill-dominated political leadership. Chinese leaders have conveyed their concern to political leaders on creation of numerous provinces in the hills along its border, saying it would have security risks for Tibet. How the conflicting interest of the political stakeholders and both the neighboring countries are reconciled remains to be seen. Prominent economists have also questioned the financial viability and sustainability of numerous provinces with an economy that survives on life support system of remittance inflows.

Representation is crucial for democracy and good representation helps increase responsiveness, political interest, higher political participation, and better minority inclusion. But what sort of federalism would actually be adequate for Nepal – competitive, cooperative conflicting, or querulous? That is the issue which continues to be debated. Ever since the overthrow of monarchy, ethno-nationalism has emerged as a key instrument for entitlement, representation, and state organization. There are many scholars who have been arguing that a strong central government capable of planned development is not possible at all in the Nepali context. The country's capabilities and potentials for unleashing the forces of development remain largely untapped because of the centralized political structure that allowed the political leadership and the intelligentsia to monopolize power and spoils of the state.

There is no doubt that federalism stands at a crossroad of scholarly debate and discussion on government issues is no less so in transitional societies. (Thapa and Sharma, 2011) A keynote of federalism is preserving diversity by allowing the population to pursue alternative pathways from a natural agenda. Federal restructuring seems to be aimed at matching ethnic and political boundaries for renegotiation of identity, statehood and center-periphery relations among the communities. The fact is that federalism per se does not prove anything. It does, however, suggest that federalism may help a country manage its problems that have come up due to ethnic, linguistic and cultural diversity to lay a foundation for social and economic development and for a general standard of equality among the fellow citizens. Examples are galore: France is a decentralized unitary state, while Britain is a unitary-federal model and the United States and Canada are federal states.

In the Nepali context, the fundamental question is whether the country is ready to build a new localism, a new politics of scale, an efficient surveillance, and responsible local governance in order to achieve substantive representation. It may be recalled that without encouraging some bottom-up mobilization, it would be impossible to control the content, the direction or the intensity of the mobilization. The argument for this

perspective scenario is straightforward. As a developing democracy, Nepal's recent history is characterized by yet-to-be institutionalized political parties that lack the bottom up solidarity networks and uncertainties of political institutional performance; the question is whether ethno-federalism ameliorates or exacerbates separatism and conflict. At this point, it would be important to note that the inclusive institutions seem to offer a forum for mounting opposition to express its dissent, can co-opt a potential opposition into the political system to highly fractionalized and diversified society thereby reducing the readiness of a rebellion. It should be mentioned that peaceful secessions are not unknown. Nevertheless, it needs to be stressed that autocratic rulers are reluctant to promote inclusive institutions that encourage power-sharing. As outlined by Gandhi and Przeworski, (2006) 'the renter state needs little cooperative support from outsiders as it can rely on the sharing of rents from natural resources to counter the threats from dissidents.

There are other divisive issues as well on the substantive parts of a new constitution including on the form of government, election system, and justice system. On the form of government, the NC and the UML have agreed to go for a "reformed parliamentary system" with an executive prime minister accountable to parliament and a ceremonial president. The UCPNM seeks to create a new political system with a directly elected executive president with a prime minister responsible for day-to-day administration. There is dispute on whether the election system should be a mixed one, combining the first past the post and proportional representation or just proportional representation to promote greater inclusion. The current debate shows that a mixed system is likely to be adopted. Likewise, the justice system is mainly on the jurisdictions of the Supreme Court, which will be the apex court, and the proposed constitutional court.

Challenges of Building Peace: Current wave of pessimism

Many unresolved issues had fuelled the decade-long 'people's war' (1996-2006) or *Janayuddha* as it was locally known, but to put it academically it was a terrorist movement spearheaded by radical Maoists. (Kumar, 2010) Maoists' conflict must be understood here as ideological wars, in which the state itself was not threatened because conflicting parties had no ambition to change the borders of the state or change the population of the state. This does not, however, mean that it was less bloody. Many persuasively argue that a durable peace in Nepal is not transfer of power from monarchy to republic by avoiding violence and abrupt exercise of authority, or constitutional reform or change of government; rather it is the realization of citizenship in full sense of the term, which entails substantive social,

cultural and economic conditions and it remains unclear whether Nepal's democratization process would be on the right track anytime soon. (Thapa, 2007) Talking about Nepali conflict, it was substantially an internal political conflict, dynamics of which has been described as an amplified manifestation of mistakes in every sphere of Nepali society.(Sharma, 1998)

If we examine past ten years' Nepal's political history, we find that any progress in constitution writing was often interrupted and then altogether disrupted because the relevant political actors were reluctant to resolve the fundamental issues except on their own rigid terms. No small hurdle for Nepal as a transitional state is caused by the left-wing extremism supposedly championing the woes of rural poor, its dry set of institutions, outdated legal system, chaotic economy, and wooden bureaucracy which are often viewed as incapable to alter power structure and bring about substantive transformation in socioeconomic and political system, all of which make it easier for the private interests to usurp the public is ironically the most serious internal challenge and thereby throws doubt whether the democratic transition would culminate in durable peace with free institutions of a functioning polity despite the political shift of 2006 that ushered in a promising scenario with windows of opportunity.

Let us illustrate. The peace process that began in November 2006 was promised to be completed within six months, but it was officially concluded only after more than six years; however, the wounds of conflict remain. Similarly, several other important aspects of the process remain neglected. The integration process was intentionally delayed for CA-I elections in 2008 for selfish reasons of the dominant political forces: the Maoists wanted to use the organized force of the PLA, maintained with liberal funding from the state, to swing the results of the elections in their favor by claiming that both the agenda of abolition of the monarchy and installation of CA-I were theirs, which others were merely supporting, and by the parliamentary parties for the fear that this is an opportunity to keep a distance from the monarchy which they felt had betrayed the democratic forces and to thwart any design of the monarchy to regain the lost power.

The only net gain worth the name is the integration of the Maoist combatants into the NA and even this was done after many bluffs and bargains at exorbitant cost. It all ended in March 2013 with the integration of 1,421 Maoist combatants at an enormous cost of over 20 billion rupees (\$200 plus million). There have been serious questions on transparency and due process on the spending in the name of peace which have not yet been answered. There were initially 32,000 combatants the Maoists wanted to integrate with the objective of creating a 'National Army' by merging the PLA with the NA. When a UN Political Mission in Nepal (UNMIN) verified, it found

only 19,602 combatants as qualified and they were kept in 28 different cantonments all across the country in 2007 under the UN supervision. When the process of their regrouping began in 2011, the combatants were offered three choices: they could be integrated if they qualify the basic requirements in terms of military fitness and training, or they could be given a lump sum amount for voluntary retirement, or they could be offered rehabilitation in the society.

A majority of 15,585 combatants opted for voluntary retirement and paid between 500,000 and 800,000 rupees (between \$5,000 and \$8,000) each. The Maoists did not object to this because they hoped that the party would be able to use the voluntarily retired combatants for regrouping in future for political purposes. However, such a preponderant number of combatants opted for voluntary retirement mainly because they were getting increasingly frustrated in the cantonments as they could see what their leaders were promising was not the same they had actually wanted. Of course, poverty, want, and deprivation also had a major role to play in such a decision. At the end of the day, only a few were left who wanted to be integrated. The rest of more than 3,000 combatants were found missing in the cantonments even when they had been paid their share of allowances.¹ The Maoists have not been able to settle a budgetary allocation of three billion rupees (\$30 million) taken in the name of the combatants that were simply not there in the cantonments. A demand for inquiry into allegations of corruption was silenced by the UCPNM leadership.

Despite the success of the integration process, the peace process remains incomplete. The transitional justice system remains delayed. The formation of a Truth and Reconciliation Commission and a Commission to Investigate Disappeared Persons remains to be formed and justice handed over to the victims. In March 2013, the government approved the ordinances on the creation of a truth and reconciliation commission and the commission for the investigation of missing persons. The Peace Accord signed in November 2006 had stipulated that such commissions would investigate the human rights violations during the conflict period. Under Article 23 of the ordinance, it provided that “the commission may, if deemed reasonable for granting amnesty to perpetrator, make recommendation to the Nepali Government explaining sufficient grounds and reason thereof.” Secondly, there have been concerns that the ordinance was drafted and approved in an opaque manner without it being discussed and debated among the stakeholders such as the victims, the families of the victims, and the national human rights groups. Thirdly, the prospects of such reconciliation process would be

¹ It is believed that the missing 3,000 combatants had constituted the core of the PLA, who were maintained outside the cantonments to form the Young Communist League.

suspect without the involvement of the concerned parties. The possibility was that the affected people could be forced to reconcile. There also was the concern that it may not have been a voluntary process, which meant that the entire process was doomed to fail. Fourthly, the ordinance could be used to avoid or delay criminal investigations and prosecutions of conflict-related cases. In fact, criminal justice should be reinforced, not replaced by such transitional justice processes as the truth and reconciliation commission. Lastly, many serious violations such as torture and enforced disappearance are not adequately criminalized in the Nepalese laws. The Supreme Court has already ordered the government to address such serious matters in the criminal law. Besides, Nepal has not yet ratified the Convention for the Protection of All Persons from Enforced Disappearance.

The provision has come under severe criticism of human rights activists and the international community as it fails to meet the international standards. “Such amnesties would not only violate core principles under international law but would also weaken the foundation for a genuine and lasting peace in Nepal,” said the UN High Commissioner for Human Rights, Navi Pillay. “An amnesty for those who committed serious human rights violations will deny the right of thousands of Nepalese to truth and justice. This will not provide a sustainable road to peace.”² The European Union missions, Norway, and Switzerland have said they will not support any transitional justice mechanism that fails to meet international standards. They have expressed serious concern about the delays in the completion of the peace process and addressing human rights issues. They have warned that such amnesties not only breach the international law but would also fundamentally weaken the foundations for a lasting peace in Nepal. “Whether their focus is violence against women or conflict-era human rights cases, the message is clear: that crime must not be condoned; that victims must not be ignored; and that perpetrators must not be shielded from the due process of the law,” they have said.³

Impunity remains further entrenched in Nepal with the government promoting the alleged perpetrators of human rights violations to senior public positions, withdrawing criminal cases against them, and attempting to establish a transitional justice mechanism with the power to recommend amnesty for crimes under the international law. Efforts to ensure accountability for human rights violations and victims’ rights to justice, truth and reparation were seriously undermined by the government’s promotion of individuals alleged to have

² Statement by Navi Pillay, the United Nations Commissioner for Human Rights, March 20, 2013.

³ Joint statement issued by the EU Missions of Denmark, Finland, France, Germany, the United Kingdom, and the EU Delegation as well as Norway and Switzerland, 17 January 2013.

committed human rights violations to senior public positions, according to Amnesty International.

Political Parties and Democracy

Democracy does not require a regular alteration of parties in power; however, modern democratic politics is a matter of choice among available alternatives. The general assumption that parties are the foundation of the electoral process in which the public have the chance 'to throw the rascals out in the next election' seems fundamental to modern representative democracy (Powell, 2007) and may be described as organized and decisive. For example, the British party system is more organized than the US party system, and the German political system emphasizes the role of political parties to a greater degree than does the British and the US system. (Dalton, 2006) Well-institutionalized political parties serve as a set of mediating forums where all differences in ideas, interests, and perceptions of political problems at a given time can be managed satisfactorily. The crux of the matter is that political parties can provide a viable basis for societal conflict or consensus, depending on their organization, internal discipline, coherence, and understanding of democracy. It is for this reason that it has been contended that perhaps more than any other factor, the success of democratic consolidation in a country is contingent on the effectiveness of political parties in structuring the political conundrum. Indeed, much depends on the degree of institutionalization of the political parties with respect to their organization, discipline, internal democracy, and cohesion. If that is correct, Nepal's is probably one of the new democracies in the world with a rich array of political firing groups; some are devoted to democratic order, some may question the constitutionality, and still others may harbor extra-constitutional means for outright subversion. It may be argued further that the political parties in Nepal have also become shelters for crooks, thieves and cold-blooded criminals while their leaders are protected by anti-democratic and intolerant gunmen – a remnant of the old monarchy. Obviously, when politics hinges on the fit between left and right spectra, it leads to instability, increasingly becoming more and more vague, contestable and dubious, as is the case in Nepal, and remaining underneath to erupt anytime as a formidable threat to democracy and the nation as well.

From a purely analytical perspective, those on the right side of the ideological spectrum are less fragmented than those on the left, perhaps because rightists did not have many realistic alternative choices to adopt and so remain united. The leftists, however, often benefit from the mistakes of the rightists as much as through their own efforts. On the other hand, among the voters we find that the leftist voters remain loyal to their parties even if their

interests were hurt and aspirations disregarded. If past is anything to go by, the NC has maneuvered to remain a long-time ruling party not on the basis of vision or principles or social interaction but largely due to divide-and-conquer politics. The self-styled UML though reconciled in Nepal's existing situations, is still married to Marxism rather than adhering to West European social democracy. In terms of its political behavior rather than theoretical musings, it has dropped the idea of "Proletarian Democracy." On the other hand, true to its name, the incarnation of Maoism in Nepal that began in 1996 took the synthesis of the Cultural Revolution under Mao, who had championed the struggle of the working classes over the ruling elite, and started its experiment at a time of comparative democratization and economic development, when a sort of democratic political system was already there. While there is a wealth of literature describing Maoists as a fascist party, one wonders whether Nepal represents the resounding failure of Fukuyama's 'end-of-history'; perhaps the case shows that Western values like individual dignity and liberty are not feasible in any form of Marxism or neo-Marxism. There have been competing and radically incommensurable ideals of democracy in Nepal and a clash of visions that led to many deaths and annoying turmoil that wracked the country till 2006. Perhaps those who opted for the 'People's' warpath have also seen the tragic loss of life and brutalization of a generation with anguish.

More troubling notion is that since the fall of the Berlin Wall and the breakup of the Soviet Union, many people had expected that the days of left-wing radicalism are over, but it is flourishing in Nepal. For example, their popular vote was about 7 percent in 1959, it rose to 36 percent plus in 1991, 34 percent plus in 1994, 40 percent plus in 1999, nearly 60 percent in 2008, and similar percent in 2013 with formidable opposition except in the first parliamentary elections held in 1959. Even mass based parties such as the NC, the UML and UCPNM now have converted into electoral parties to maximize their votes, win elections and grab the opportunity to govern. Seen from the electoral performances, no other party is in a position to succeed them in near future, although there are various brands of radical communist parties, such as the Communist Party of Nepal-Marxist Leninist (CPN-ML) and the Nepal Workers and Peasant Party (NWPP) to name a few, whose main function is to retain the traditional Marxist paraphernalia and claim themselves as the true messiah of the downtrodden. Leaders of these brands perceive themselves too great a politician; they do not need allies and friends and they continue to adhere to iron discipline. It certainly is a factor in democratic transition that the political system may continue to face greater obstacles in addressing formal rules that structure political behavior and institutional power, even though increasing the distance of the people from the elites,

especially the betrayal of the popular will when it comes to politics, a point to which we shall return below. Yet, Maoists and other communists have thrived the most in the flawed experiment with democracy, which has bred political instability, corruption and lawlessness.

It is understandable that political change is not always for better democracy. Similarly, the Rastriya Prajatantra Party Nepal (RPP-Nepal), the Rastriya Prajatantra Party (RPP), and numerous Madhes-based regional parties are also thinly organized parties which often seek to capitalize on charisma and are driven by emotions; their recent political mileage would rather undermine the democratization process. It is also reasonable to argue that parties whether radical or moderate, national or regional, big or small, old or new, are hierarchical, not class or idea-based, and are run by a particular group of upper class coteries that decide everything. Of particular relevance is the absence of a strong central party. The principal beneficiary among all the parties following the abolition of monarchy is the Maoists' party and its success was the product of several factors. However, there is no reason to assume that the power bases of parties are radically different that would bring forth pervasive change in the qualitative aspects of politics operating through institutionalized network of players and remain consistent toward coherent programs, government powers, neatly outlined rules of political game and guidelines for institutions.

Electoral Democratization: National Elections

Democratization is fundamentally linked to citizen participation with their meaningful engagement and agenda encompassing economic, social, and political models. The notion of election dates back to the Greek city states, but the concept of ballot and boxes arose after World War II. Let us first acknowledge that elections in a democracy frequently offer the people fairly clear choices among alternative future governments in which all parties adhere to the rules of the constitutional game, for instance, 'institution of legitimate power flows,' to quote Powell. (2000) It is identifiably obvious that in a democracy the parties may have agreement on some issues while having wide disagreement on others, but still have fair chances to represent the people. Similarly, a large number of new democracies may have experienced only some of the electoral rules and conditions and still others may have experienced none at all. Although elections can have powerful impact on building peace and democracy, they would be largely irrelevant if the elected representatives do not have the power to organise and structure the policies of their own country. Another possibility is that elections as an instrument of significant political change may not be available in a dictatorship. In some instances where popular pressure

for democratization is relatively weak, the established elite may manage to have a lot of influence over elections rather than resorting to popular means and thereby may exert considerable leverage over national politics to avoid comprehensive democratic reforms. In general, free, fair and competitive elections during the period of democratic transition are vital not just to have majority rule but also for building a vibrant democracy – a consensus about how the society should work. Despite this, an increasing number of people fear that elections are incapable in providing an adequate government that may cope with the issues and problems that concern them; they feel that the parties invariably tend to become unresponsive to their needs. Election in Belarus, Croatia, Kazakhstan, Serbia, Uzbekistan, and of course Nepal are some examples. Additionally, elections may be free, but they can be far from fair due to various reasons.

Of late, electoral study has emerged as one of the hottest topics in the field of democratization; most likely because elections are fundamental to democracy. With the dawn of a multiparty democracy in Nepal in 1990, political analysis was difficult for quite some time, because it was a new phenomenon. As Nepal's democracy is rather young, most academic inquiry and policy writings are still based on secondary sources and personal hunches that have little reality. For the first time in Nepal's political history, private sector bodies such as the Political Science Association of Nepal (POLSAN), Nepal Opinion Survey Center (NOSC), and SEARCH have made efforts to collect data. Even though there has been some notable progress, many issues have yet to be analyzed and many hypotheses remain to be tested. Nepal's is also a case that had six constitutions between 1948 and 2008 and two political interregnums after the 'third wave' in 1990 and 2006 due to the political gulf between the main elites, various insurgencies, belligerent character of transitional regimes, and Maoists' diversionary manipulations.

Nepal's first contested election took place under the 1959 constitution, which provided a bicameral legislature where 109 Lower House (House of Representatives) members were directly elected on the basis of universal adult suffrage based on the Anglo-American first-past-the-post system. Similarly, of the 36-member in the Rastriya Sabha or the Senate, half of them were elected on the basis of the proportionality of seats obtained by the parties in the House of Representatives through a single transferable vote (STV); the other half of the total members were nominated by the king. Subsequently, the multiparty polity was replaced by a 'partyless' Panchayat system, which provided 4-tier panchayats at village/town, district, zonal, and national levels with direct election at the village/town level. The third amendment of the constitution in 1981 had marked the beginning of limited political liberalization that had allowed for direct election to the national legislature on

the basis of universal adult suffrage. In the absence of organized political parties based on manifestos and ideologies, the Panchayati elections were at best a beauty contest among the candidates.

Yet, the two Panchayati elections may be considered as the second and third general elections when the total number of eligible voters rose from 4.2 million in 1959 to 7.9 million in 1981, and 9.5 million in 1986. Moreover, the lower house had a total 140 members of whom the king nominated 28. The king also appointed the person commanding the majority support of the national legislature as the prime minister. Similarly, elections were conducted in 38 single-member and 37 two-member constituencies of all 75 districts. One interesting aspect of the election, however, was that the voters of two-member constituency districts enjoyed the privilege of one-man-two-votes. Again, a number of elections were held under the Panchayat regime; political competition was strictly monitored and the outcome was invariably an endorsement to the king's rule, since only the supporters of the monarchy were the contenders for power in the choreographed elections. Although the political regime during 1960-1990 was not quite a tyranny, the political culture was repressive when the state forces invariably suppressed any popular mobilization aiming to liberalize or reform the polity. That did not augur well for a democratic outcome.

Under the new polity, three parliamentary (1991, 1994, and 1999), two local elections (1992 and 1997) and two CA (2008 and 2013) elections have been conducted that provided a completely new set of politics, political parties, leaders, and rules of leadership. Yet the dominant political leadership across the parties have remained the same irrespective of their successive failures to introduce reforms for political stability and economic prosperity. It is no surprise that parties of different ideologies have rose to power, although exclusionary nature of politics and dirty manoeuvres of the political actors, which had been so strong, have limited the quality of democracy. (Humagain and Seo, 2013)

Evidence suggests that Nepal's democratization process could never enjoy non-violent political activities as it had to face anarchic divisions, obstacles, and reversals in the absence of favourable institutions; as such it always adopted the principles of universal, equal, direct, and secret suffrage. And unlike in a limited number of Western democracies such as Australia, Belgium, and Luxembourg where voting is regarded as a duty, it has always remained optional in Nepal. No advance, absentee and proxy votes are permitted; electors cast their secret ballot in a polling station set up in a neutral location where display of any party material is denied and managed by the EC. The Election Day is usually observed as a holiday, partly to encourage and increase the participation. The selection and allotment of the election symbol is another important feature in Nepali

elections. Both independent and party candidates are given the election symbols by the EC; this is a normal practice in South Asia due to extremely low rate of literacy; so, there are symbols in the ballot papers not names. (Panday and Dahal, 1999) But, unlike in Israel where the election for the parliament, Knesset, is made on the basis of the number of votes cast for a political party and not for individuals, Nepali electors cast their vote directly for the individual. Accordingly, both plural and proportional electoral systems are followed in the national elections. On a similar note, the minimum age of a candidate contesting for a parliamentary election is fixed as 25 years. Likewise, a candidate must not be disqualified under any law, and should not hold an office that profits from the government funds.

Another crucial feature of the Nepali election is that the counting process does not take place at the polling station; the ballot boxes are securely sealed and delivered at an assigned location and counting begins there without undue delay. There remain chances that the seals may be tampered, bogus ballots may be stuffed and/or the entire boxes may be substituted during the process of transportation. However, the entire electoral process is conducted, supervised, directed, and controlled by the independent EC headed by the Chief Election Commissioner and the paramount task of EC is to keep the entire election process free from irregularities.

Analysis: Advances in Building Democracy

What does all this mean in terms of building and promoting democracy and democratic institutions in the country? As noted earlier, the changes that had swept through Nepal in 2006 after the abolition of monarchy had opened the door for the rule of the people in the classical sense. However, the political transitions never seem to get completed anytime soon and cannot in fact deliver the whole range of rights to the people. In Nepal also, the political elite often resort to various methods to maintain themselves in power which they utilize to enrich themselves and their backers. An alternative interpretation is that Nepali politics is very much diffused, where communists have been somewhat influenced by the Stalinist and Maoist parties which espoused 'people's democracy' and 'national democracy' that may be called as 'contested democracy' of the post-monarchy era. As found in the transition to democracy, the two main strands in the present-day Nepal are also clientelism and populism. Populism according to Kenneth M Roberts (2006) is understood to be the political mobilization of mass constituencies by personalistic leaders who challenge the established elites, a broad range of organizational outcomes under the rubric of populism (Roberts, 2006) Once back in office, they spend considerable energy to control the state resources and

sap the government coffers. Poverty and inequalities have widened. A small percentage of population controls the country's resources. Many remain in power primarily because of the smooth operations during elections, if any conclusion may be drawn from the experience of past two and half decades.

Nepal is a new democracy that had experienced authoritarianism for a long time in its history. After the end of monarchy, the formidable obstacle to democracy, proliferation of democratic institutions is continuing; but so has been the proliferation of violence and rent-seeking middlemen due to the machinations of the elite and privatization of politics that have contributed to the emergence of yet more powerful political elite groups. Whereas the strengthening of elite families and patronage has gained ascendancy, it has weakened democratization of the state. Nonetheless, it would be a more accurate interpretative framework in explaining that Nepali politics, which may be called deficient formal democracy, is seemingly unable to move forward. (Thapa, 2007a) Even in post-monarchy era, no one has so far questioned the broad goals of an inclusive democracy that delivers good governance based on the principles of political pluralism, rule of law, constitutional supremacy, basic human rights, freedom, and independent justice system, among others. Talking of democratization in general terms, a noticeable realization is that democracy is not a tangible product or a solitary event; it is a lengthy process in which an enormous number of actors and contextual factors influence the building process of democratic institutions and democratic culture in a country. Given the unfavourable situation bogged with social tensions mushrooming all over the country due to widespread poverty and social inequality and corruption that deepening the crisis. Now that democracy is being institutionalized, the next revolution would be economic; so claim the ruling elites. But, that would be a tall order, given the fragility of peace and process during democratization.

It would be reasonable to argue that democratization is a dynamic phenomenon with a series of sequential stages running from liberalization of the old authoritarian regime through emergence of a new democratic system. The proclamation of the republic in 2008 has allowed the greatest leeway to overhaul the political, social and economic systems through a new generation of citizens who remain firmly committed and supportive of democracy with a whole range of new ideas and organizational set ups – bases and cleavages beyond the approaches of centralized, patron-client and elite ruled democracy – to work for social justice and empowerment of the poor, marginalized and downtrodden that indeed deepen democracy. However, in the case of Nepal such thinking has proved disastrous. Scholarly studies done in the 1990s have found powerful and consistent evidence that the support of democracy has been growing steadily

over time. Yet, Maoist dogma has waged campaigns for a communist state, indeed being inclined to have the means to seize the state. On the other hand, there is a growing number of inferior minded leadership within pro-democratic parties that have ruled most of the time in the post-1990 era, promoted patronage and corruption with the top-down approaches and have cultivated the image of being filthy and hypocrite. No fitting alternative is in sight that may venture to transform the society through democratic processes and structures from below.

The problem is that every time a major political change occurs, some segments of society would come forward to seek access to public life through their network. Each group demands that the state respond to its interests, which means parties represent no more than fragmented interests. It is thus not surprising that no party has emerged to define its ideologies, connect itself to new ideas and aspirations, and synthesize the interests of different groups. Due to the radicalization of ethnic groups, hyper-politicization of political parties for their self-serving interests and pathetic role of civil society, the state could do little to restore peace and stability. Nonetheless, it is assumed that Nepal has neither the resources nor capability to control any large scale eruption of violence.

It bears emphasizing, however, that it is difficult to know, much less to predict with any degree of certainty, which direction the great bulk of newly democratizing countries, or for that matter Nepal, are leading to, because the political game is full of complexities involving numerous actors. What is however true is that the stability of democracy is not limited to giving thumbs up or down to candidates struggling for office; it depends on something more between the governing and the governed, especially those represented should be effectively controlled by the people and the forms of control may be through a referendum, or by an entirely novel concept or a new initiative, or by merely recalling them before their terms have expired but 'only when the public has a high degree of political information and sophistication for a successful democratic system,' (Dalton, 2006) as prescribed by Dalton. Indeed, the goal should be to give more people effective means to influence and shape major policy questions in order to broaden the democratization process. Alternatively, some may feel that if citizens are mandated to have whatever way they feel like, governments would not be needed. When we consider citizen participation, it is unlikely to have the mandate of unlimited choices, but if citizens have no power in their own right, they would be often excluded or marginalized except to vote. So, we need to understand that ultimately it will dampen the spirit for democratic participation, weaken a democratic regime and is likely to end forever any form of dissent; this is at least as significant in Nepal today. Yet, we must also point out that building democracy through a single portal

has a substantial risk of failure.

With regard to the 'end of history' proposition, we have to consider that despite considerable achievements in the dimension of political participation and contestation, a paradoxical situation has emerged and politics has particularly exhibited a remarkably new range of complex and unpredictable changes due to heavy centralization of power but soft mode of operation. As such, there is a fundamental difficulty to guarantee long-term democratic stability. Politically, when Nepal was caught by the Maoist insurgency, few observers had expected that the quagmire would ever result in democracy. The transition to democratic rule has turned out to be less promising than anticipated earlier. In regard to the prospects for democratic governance, there is a huge difference between public perception and the parties' policies, largely because very little has been done to actually comply with good governance, basic freedom and human dignity. Many a politician still harbors and manifests the same old habits, attitudes and mindset that were there in the heydays of absolute monarchy. It has fallen short of providing a paradigm shift that many had hoped for in the conduct of public affairs.

It should be noted that the pressure to democratize in 1990s had resulted in relative stability of political parties and the emergence of yet many more political and social forces. Politics was opened for participation of all interests, which allowed them to exert their influences. Whether Nepal will become really democratic is still a question that cannot be answered yet. There are good reasons to doubt whether real forms of participation will take place by which people may exercise their will and be in a position to intervene in the behavior of the relevant actors. If it is, according to Buss et al, 'direct, deliberative and participatory, then there is a sense of bearing that their sovereign authority is not merely representative.' (Buss et al, 2006) Even if we consider Nepal a democracy in the aftermath of the royal autocracy, the overall response must come as a revolutionary change of the whole system, particularly by adopting political strategies to combat exclusion, racism, and oppression to acquire recognition and legitimacy for the establishment of a free and democratic state. Nepal's problems of peace and democratic stability are significantly different from that of the rest of South Asia, but the failure to create a new reality has only increased uncertainty.

Each country should have its own manner of dispute management. The political activism in Nepal is governed by motives of self-interest and search for power, which not only underestimate the scope for democratic peace, but also create human insecurity and economic, social, and other institutional disorders. This may not be unique to Nepal. However, a lesson that may be learnt is that constitutional democratization, intact with socially sustainable peace as a mechanism of management and

process of collective learning, is even more dependent than the first stage of transition on internal conditions that are made possible by a continuous process of discussion. (Tilly, 2007)

There is an abundance of examples that liberal democratic politics is a highly developed product of cultural evolution which constitutes collective and painful learning through upheavals. Kriesi and Bochsler (2012) point out, 'if elections of the political decision makers at regular intervals constitute the key institution of representative democracy in the age of globalization, civic, political and social rights have become the key conditions for political communication today.' Despite the momentous political changes in 1990 and 2006, Nepal suffers from leftwing radicalism that believes in 'benevolent dictatorship' that is tantamount to a 'repressive-responsive regime' or an 'authoritarian developmental state' in line with the examples of Singapore, Malaysia, South Korea, and elsewhere which utilized the pretext that ordinary people cannot be entrusted with power because it would corrupt them, and that economics is a major stabilizing factor for society to reject the legitimacy of democratic system of governance considered as a threat to their assumed harmony.

Benz and Papadopoulos have rightly argued that democratization is driven by non-state as well as state-based actors and there must be forward-looking and goal-setting notion of politics (Benz and Papadopoulos, 2006) which is lacking in Nepal's democratic development. At the first glance, Nepali politics does show scattered signs of institutionalized participation and some favourable conditions: a culture that supports the values of democracy; a dominant religion not hostile to it; and a military not adamantly opposed to it. Despite all that, the democratization process in Nepal requires a genuine state structure to produce acceptable solutions to the problems and to serve effectively between diverse citizens, specially that catch up with increasing frustration resulting from simmering social, political and economic tensions when it comes to the distribution of advantages. Yet, it is not just contending the political parties that can benefit from such formation, the real challenge is to democratize.

The present phase of Nepal's democratization is considerably different in comparison to that in earlier periods in the sense that for the first time, the question of fundamentally restructuring the society is under an open debate. Indeed, a liberal constitutional framework as a form of direct political communication between the political power/s and the public to make the country more vibrant and dynamic and to impel the government to govern less and serve diverse interests of the people is called for. There are serious deficiencies in terms of restructuring the state, i.e. the formation of a liberal-democratic, republican, multi-structured, secular, and federal state in the absence of meaningful social and

political negotiations. Political parties continue to bicker over a new constitutional framework, masking the Nepali state look like seriously threatened by violence from below and helplessness at the top; the same politicians seem to be the sole beneficiaries of such change. Comparing Nepali democracy with other new democracies, particularly in South Asia, it has been found that political parties are essentially alliances of leaders from the same socioeconomic stratum composed of elite families and perhaps most egregious, the great clout of small group of actors over politics – it is around this that everything revolves, usually on a fairly autocratic manner, and the great mass of the population is assigned a passive and subordinate role, to be sure – presents a grim picture of the country's politics to move toward greater popular participation in decision making and social and economic equality.

After all, Nepal's is still a case what Collier and Levitsky would describe as 'semi-democratic' or a 'hybrid regime' where the elite dominate influential organizations and politics is ever under the tutelage of political parties. Or, it may be the case of 'schizophrenic liberalism', to borrow Sanin's term, where politics is undermined by authoritarian tendencies, foul play and animosity among political forces which create widespread discontent and demagogical mindset that slowly poisons democracy itself. (Sanin, 2005)

Democracy suffers from deficiencies in all three areas: peaceful rotation of power among the parties, protection of civil liberties, and independent and accountable institutions, including sound bureaucratic politics. It exhibits deficiencies that hinder the deepening of democracy although Nepali politics has, nonetheless, been progressive, primarily due the culmination of the long struggle of popular forces against the feudal monarchy, which was just not an event or intra-elite competition. It is unlikely that a radical democracy may reach the electorate unless the Maoists adopt a moderate stance in order to build a peaceful, prosperous and stable nation. It is feared that if the country be ruled by the Maoists there would be no freedom. But, there are also a number of narrow-minded, intolerant political groups with their own queer agendas which go against the very spirit of democratic behavior. The post-monarchy phenomenon is not a downright revolutionary transformation like the 'velvet revolution' of 1989 in Eastern Europe or any of the historic revolutionary changes: France in 1789, Mexico in 1910, Russia in 1918 or China in 1949, but a political change somewhat in Tocquevillean sense – a regime change that has broadened the ideological spectrum of the masses by freeing them from the right-wing extremism hostile to civil liberties and political rights and hence toward democratic political development.

Perhaps the most remarkable achievement was the 12-

point accord⁴ with the seven-party alliance (SPA) signed in Delhi, a development that culminated in a negotiated agreement known as comprehensive peace agreement (CPA) in November 2006 that not only ended an imposed insurgency and despised monarchy⁵ but also successfully brought forth CA elections that ushered in dual transition for democratization and economic advancement. The core of the peace agreement revolves around the premise that CA elections would enable to write a new constitution and to carry out broader constitutional reforms.⁶ In this sense, the feature of 12-point agreement was important even if it was not enough for proper functioning of political institutions that may overcome the constraints of redistribution and share political power, as Prezworski (1991) put it, the 'only game in town' to ensure democratic rule. There is also evidence that although Maoists had agreed to come to the political mainstream through the 12-point understanding with the SPA, it was the people power, demonstrated through the street protests when they marched in hundreds of thousands refusing to accept anything less than democracy that actually ended King Gyanendra's despotic regime. Yet, all is not well because the peace agreement only ended Maoists' chances to carry out political violence what Zartman calls 'returning to normal politics'. Among the scholars who have attempted to grapple with the challenges of managing protracted social conflicts, Zartman has emphasized on the need in conflict settlement which involves the question of state power as 'reconstitutionalizing the state or reworking the associational bases of the state and normalization of politics which means not a return to the old order or the old state but creating a new political order. (Zartman, 1995) And Nepal's context provided for the integration of insurgency into a new body politic and mechanisms that allow the conflict to shift back from violence to politics.

Here again, the peace process that had begun in

⁴On 21 November 2005, seven pro-parliamentary party and Maoists signed a 12-point deal to end 'absolute monarchy'.

⁵ Although monarchy was an integral part of Nepali politics for centuries, its wings were clipped and claws pared when it surrendered its authority to the SPA in April 2006.

⁶ The aftermath of 2008 CA elections Maoists won largest number of seats and became the leading party. In a word, it changed from guerrilla army to a Maoists party and democratic system increasingly strong since then. In fact, after an attempted several offensives attacked failed despite they consolidated their forces in countryside Maoists' realization was that they cannot achieve victory and rebuild a new society by themselves have uncovered greater reasons to seek a political settlement. Another reason why the rebels were willing and able to accommodate themselves with the SPA, perhaps, is that its political demands of constituent assembly to write a new was relatively secure.

November 2006 and was promised to be completed within six months was officially concluded after six and a half years, but wounds of conflict remain. Several important aspects of the process remain neglected. One of the primary reasons for the failure of the CA-I to write a new constitution was the peace process. This also resulted in the growing distrust among the main political forces. As such, there is peace in the country for the time being but the future remains highly uncertain. The integration process was deliberately delayed because it had to be used by all the principal parties for political gains in the election for CA-I. The agreement was also a political bargain by which the Maoists had agreed to a democratic regime and market economy with necessary socioeconomic reforms and the parliamentarians had agreed to Maoists' assimilation in the new political regime with some essential and innovative socioeconomic reforms. Both had also agreed to resolve their differences through the reshaped rules of political game to be democratically institutionalized through CA polls. But most of the ongoing efforts revolve around legal and political exercises to pave the basis for political adjustments. The current obstacles to the peace process involve weak rule of law, discredited party system, persistent inequality and poverty, erosion of democratic institutions, and social exclusion. It is quite likely that successive dysfunctional and insensitive governments would continue to plague the suffering people.

If Nepal's experiences with democracy is evaluated through the perspective of how responsible and accountable it is to its citizens, which is notoriously difficult to measure and has to be regarded as mainly symbolic, particularly weak rule of law and governmental ineffectiveness, it would generally be considered as positive for sustaining and nourishing in the country today. At the other end of the spectrum, a political decision is mainly carried out by a few rather than being closer to the people by providing for new forms of participation it runs into a 'third-grade' democracy in terms of Freedom House Index. This also means that in the Nepali context, democracy may not be preferable to any other form of government. Let us elaborate here. The crucial problem facing the country is that those excluded from power have little faith that they will have a just share of national resources. The break-up of multiparty democracy in 2002 and 2005 was not entirely the monarchy's fault, but a series of factors, chief among those being the politicians who pretend to represent citizens but serve only their narrow interests. Democratization is a process with clear-cut results. Nepal needs institutions designed to make the government responsive toward public interests. A combination of various elements is necessary for successful democratization. In order to create the capacity of democratic political system, a new constitution must be developed around the inclusive polity both in terms of

institutional structure and democratic norms, where intense citizen mobilization and strong engagement with political institutions would be necessary, especially there is a need that citizens be connected in decision making processes for governmental responsiveness, democratic accountability, and quality of representation that will guarantee citizen legitimacy and they will endorse all political processes set by the government.

Even if we agree that the new constitution will be drafted in a more democratic and inclusive manner, it must put threshold for the parties to be represented in the parliament if proportional electoral system is adopted. It will not only fundamentally reduce their numbers and make them cohesive, but also provide opportunities to them to perform better and more efficiently and enable them to operate effectively so as to deliver the citizen needs. Similarly, over the past several decades, scholars have been involved in an extensive debate concerning how much participation on the part of civil society is ideal in a democracy and how it should best be channelled, although the government is the most important body that may act in the interests of the masses. What really matters is that the ultimate goal of civil society develops linkages between the elected officials and the electorate for the public policies. It needs to be emphasized that the legitimacy of democracy is sustained not just by democratic constitutional arrangements and politically responsible government, but by the government's ability to keep the public satisfied as is broadly defined. (Benz and Papadopoulos, 2006) Democratization requires unconstrained deliberations to create extensive awareness which is crucial to form a sound public policy. That raises the question: What sort of democracy can we have if all what we desire is decided by a few omnipotent and corrupt power mongers? This means that as long as the involved actors are unable to deliver in practice what is termed democratic governance, there will always be obstacles that would dampen the chances of democratic consolidation.

CONCLUSION

Nepal is a country in perpetual transition, as has been discussed above. The transitions have impacted on the stability of the political system characterized as they are with three waves of democracy – in 1951, 1990 and 2006. Despite significant advances, its transition to a viable democratic polity remains frail. The peace agreement ended the combat phase of armed conflict, bringing them and the rest of the political formations into the mainstream. But developments since then have created profound anxiety about the future ability of the political order to cope with the crises that might follow. In the last two decades, particularly since the monarchy's abolition in 2008, Nepal has largely been a liberal

democratic political state linked to the extension of citizen's civil rights. Yet, the people increasingly distrust institutions which bemoans lack of wholesome democracy. It would be important to remember that in a country where the monarchy had wielded absolute power for over two centuries, the ongoing transition provides an ideal ground to accept changes that stand apart from the conventional paradigm.

The political change from 'partyless' to multiparty system fundamentally changed the Nepali political system in three important ways. First, it limited the monarchy as constitutional, transferring real power to the people, or at least to the political parties and an elected parliament. Second, political parties were recognized to assume active role in mobilizing the electorate toward policy programs and compete in the election conducted on the basis of adult franchise. Third, the democratic rights of the people were guaranteed by the constitution – ushering in a new era of political pluralism and democratic culture. However, the democratization phase was impeded by the armed conflict, which is probably the darkest period in modern Nepali history. It shifted the priority from institutionalizing democracy to peace and security. Here again, the peace accord signed in November 2006 was an historic event which ended a decade-long insurgency and an agreement to have a new constitutional framework drafted by a CA without any conditions. The beauty of the accord was that despite the gains on political and military fronts and their control over large parts of the country, the Maoists were obliged to adopt a strategy in conformity with the realities of changed international environment. Perhaps they too realized that their idea of revolution had lost its credibility by the end of twentieth century due to the exposure of the excesses in communist regimes.

The end of the monarchy is now a matter of history; but other forces are fostering conspiracy and intrigue that remain in place and may yet contribute toward erosion of democracy. Nepali society has a good chance to institute democratization; what is required is a constitutional structure, 'the only principle of the order that may function as a uniting force' (Slonim, 1990) within which diverse social sectors can play their roles effectively during the transition period for more productive and robust democratization movement. Moreover, when we say that we have democracy, it implies the space agreed upon in the society for a certain numbers of parameters that have come to be known as democratic and around which a general consensus has been built over time and is respected by all the players. (Diamond and Morlino, 2005)

In the case of Nepal, under nonparty rule, monarchy clamped down heavily on all kinds of dissent and threw away thousands of dissenters and presently the new political elite can make effective use of money, including public funds, violence, and fraud for similar purpose.

While in office, they utilize political power to enrich themselves and their backers and to maintain themselves in power they resort to various tactics. It is more complicated than authoritarian rule, although there is relatively peaceful alternation in power among rival political elites. The scenario gets disappointing when legislators enact silly laws, executives enforce even time-tested regulations ineptly, and the courts let go culprits free on bogus ground; there is little point in negotiating for a consensus with tolerance, which is perhaps a necessary condition for the vitality of the democratic process. Nepal is privileged with several attributes to consolidate democracy. The real problem is not so much of political cynicism but a failure by those who hold the banners of democracy to acknowledge that democracy may take several forms, comes in various shapes and sizes, and need not always be stamped with a 'Made in USA' sign of authenticity. (Thapa, 2013) Here again, it is reasonable to argue that democratization is a dynamic phenomenon with a series of sequential stages running through the liberalization of an old authoritarian regime and the emergence of a new democratic system.

In fact, Nepal has had twice failed trysts with democracy because the democratization process had been particularly difficult due to weak institutions, contentious civil society, and indecisive elections. How can democracy strike roots when its tenets – freedom, liberty, security, and rule of law – are ignored and where politics is reduced to exerting influence and coercion? Although Nepal is struggling hard to institutionalize the changes in political institutions and political processes, the support for liberal democracy and its attendant social and economic systems cannot remain static or insulated from financial considerations. The troubling paradox is that in spite of the successful struggle for a republic and numerous valid demands for systemic reforms, politicians have indulged in grabbing power and privileges rather than pursuing national interest or public welfare.

It would be fair to recall that during its two-decades-and-half-plus period Nepal was praised for the fact that power changed hands peacefully from one political party to the other, and the elections held were judged by and large free and fair. The political power that emanated from the people resides firmly and solely at the helm, where leadership succession is highly resistant to reform, even political ideology dances to the leader's tune, and the few continue to maneuver all the resources. In such a scenario, when anti-system forces are at work, as was the Nepali case between 1996 and 2006, democracy may crack down both structurally and institutionally. Yet, with successfully mobilized support of the people, three national and two local elections were held where more than one party had equal chances of winning seats for the government, which must be considered as conducive to democracy. Various methodologies may be employed to more accurately assess the effectiveness of

democratization process, yet one perspective at this stage is that the result of two decades-plus of Nepal's democratic experiment shows that the "end of history" is nowhere near; rather the new age of complex and unpredictable changes characterized with multiple problems of delicate statehood have led to, despite inept political institutions and bad governance, sustainable democratic development. It puts us in a position when we may say, for example, corrupt and unaccountable rule demonstrates every day that transition is far from finished. Nepali case reminds one of the English proverb that a zebra cannot change its stripes and a Chinese saying that it is easier to move a mountain than change a person's nature.

It is well-known that democratization is neither linear nor impregnable. There are some intellectuals who consider Maoists' armed insurgency as a thing of the past – the most infamous example of home grown extremist group violence to date in Nepal, committed to Maoist ideals and favourable to a radical socioeconomic change a more urgent priority than bourgeois capitalist liberal democracy and invited for a dictatorship of the proletariat in its heyday. With the negotiated settlement, the situation has changed, especially when it comes to adopting a more competitive election, new forms of participation are evolving to adjust to the new forces and demands. Since Maoists have not yet renounced the arms to get a secure foothold in the society, we are not sure whether they have been able to transform themselves from their barbaric past into a reliable, modern, democratic force committed to pluralism, pragmatism and decentralized democracy. Although left-wing extremism, especially Maoists' stonewalling attitude toward everything, is not absent from political discourses, the expansion of political completion and inclusion, citizen mobilization and strong engagement with political institutions, distribution of political power and economic resources, with increasing number of actors and institutions participating in setting priorities and making decisions in building a democratic state and fostering democratic society and civil society contributing to democracy's sustainability are at odds and remain the most serious internal challenges. It is unlikely that Nepali aspirations will be realized without addressing the sources of mutual distrust through greater participation by the people. Election is necessary for political competition; it may be considered crucial for many a public office and so it may be recognized as important to a considerable degree in the political system, which indeed is a feature of the first stage of democratization. The exclusiveness of democratic politics, as Hadenius noticed (2001), may involve extensive deliberations and many of which being marked by contention and conflict between factions holding different views and so on.

Democracy is no panacea; indeed it helped create Hitler. But when backed with reforms, it may contribute

positively to break the traditional authoritarian structures and serve as a unifying force for a divided society by creating environment for cooperation among the citizens. It is true that democracy is not always efficient. But the most troubling aspect of political development in Nepal since 1951 may be when people tend to think, for one reason or another, that politics has very limited utility in their common life. Of course, we cannot dismiss that building democracy in a country with no democratic tradition is a difficult enterprise, but the danger looms large when people feel that all politics is dirty as they find their representatives turning into thugs. However, things may be a bit different since 1990, when Nepal shifted from absolute to constitutional monarchy. But, when it fails to fulfill their pressing needs and is unable to develop impartial mechanisms for inclusion and representation to a satisfactory outcome, people may be inclined to turn away from politics. More worrisome are the facts that since 1990 the politicians lie about what they have been doing; they have often deceived the people and they themselves had contributed to re-establish active monarchy in 2002 after three national and two local elections. Besides, the royal coup d'état in February 2005 had plunged the country into archetypal feudalism, undermining democracy, after which not only the monarch refused to democratize but also tried to destabilize the democratization process thoroughly.

All this had contributed to the isolation of political forces toward an end of the political system committed to democratic rules of the game. Nepali politicians get tempted to fulfill their selfish interests and/or short-term aims while in power due to avarice and near-sightedness. They have repeatedly failed to create mechanisms of democratic governance which is capable of presenting stable and trustworthy rules of the game that must be there in a modern society maintaining a democratic regime. It is precisely because of the politicians' short-term vision, backroom exchanges and lack of credible commitments that have cajoled the masses to believe that democracy is simply becoming irrelevant. Due to such reasons, Nepal has had six constitutions between 1948 and 2008 and two political interregnums, after the 'third wave' in 1990 and one more is under construction after the negotiated political settlement with Maoist rebels in 2006 that would be incorporated in the political process. One cannot be sure that such phenomenon will allow for considerably more democratization than has been achieved.

In prosperous democracies, the middle class provides the glue that holds the society together. In Nepal, by contrast, the bourgeois centered in Kathmandu have emerged as principal social and political force. The vast gap between the urban rich and the rest has worsened over the years, with no discernible 'trickle-down' effect. The wealthy dwell in their air-conditioned mansions, travel aboard a Pajero or a Prado, and shop in luxury

malls, apparently oblivious to how the rest of the country lives. Poor rural families send many of their youths to the Gulf, India and even Africa to earn money as unskilled and/or sex workers. Even the government overlooks this kind of trafficking as it is happy with their foreign currency remittances. Nepal has witnessed steady loosening of principles largely because of outright greed, distorted interpretations, outdated fanaticism and absurd nationalism. The disconnect between Nepalis and those who govern on their behalf is acute, deep, wide, and ever growing even when the people are demanding for greater accountability and transparency, they find the government institutions becoming more remote and opaque despite digital development the world over.

It would be absurd to support the notion that in our peace loving culture we deserve an authoritarian regime sacrificing the tenets of democracy. But, it is also true that the difficulties involved have deemed it increasingly uncertain to bring about meaningful changes. People have little confidence in their representatives, career politicians and civil society stalwarts. The dramatic dismantling of insurgents' weapons, overlooking the perceptions of democracy and the resolve to practice confrontational politics without regard to institutional norms, seemed to have succeeded to 'govern for the people' and to 'hang on to power,' but soon they got mercilessly exposed while endeavoring to grab it for good. A number of political forces remain prisoners of the traditional view of parliamentary democracy, regardless of any particular model, whereas support for democracy as a system of government has immensely increased and the ability of political parties to align themselves for their preferences is effectively dubious, porous and complex. However, it has added a new dimension that would challenge the traditional politicians; the political process is likely to be nestled perilously from the progressive forces. Many believe that democratic transition in a post-authoritarian society is invariably punctuated by dramatic events. But interestingly, Nepal has more people on the left than does any democracy and so might lead to slow or sudden but sure destruction of democracy. However, it has become painfully obvious that pauperization, frustration, unhealthy competition for scarce resources, and the increasing gap between aspirations and the capability to satisfy them within the country, it is unlikely that we would be able to move from state-dominated to civilian-nurtured society in the near future. There is still a long way to campaign.

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