

SPECPOL

*THE ROLE OF THE
INTERNATIONAL COMMUNITY
IN SUPPORTING
DEMOCRATIZATION AND
POLITICAL STABILITY IN POST-
CIVIL WAR NEPAL*



BESTAMUN 25'



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1.3. Letter from the Under Secretary - General

I am pleased to welcome you to BESTMUN'25. I, Yağız Patır, am a junior student at TOBB ETU, and I am studying mechanical engineering. Instead of introducing myself more, in this section, I want to stress the fact that before coming to the committee, reading, and understanding this guide, and also thorough preparation is an absolute necessity for this committee.

This guide that has been mainly written by my ambitious Academic Assistant Mert Özcan, gives delegates a general understanding of the background and conflicts at hand. Therefore, the participants must read the guide very carefully and try to think about possible solutions based on our conflict. It will also be important to mention that before coming to the committee, reading the rules of procedure in order to learn the state of affairs of the committee is of vital importance for you to run the sessions effectively. If every participant does their part and comes prepared to the committee, all of us will have an experience that none of us will forget and always remember.

Before finishing the letter, I would especially like to thank my dear extraordinarily hardworking Academic Assistant Mert Özcan, and I will do our best. If you have any questions about the committee, you may contact us if you need to.

Sincerely,

Under Secretary - General of Special Political and Decolonization Committee

Yağız PATİR

1.4. Letter from the Academic Assistant

Most distinguished participants,

My name is Mert Özcan, I am a student at Private Beştepe Anatolian High School. In this year's edition of BESTMUN I will be serving as your Academic Assistant. Before continuing any further I would like to state the importance of the terms used in this study guide, please do make sure that you read thoroughly.

I would like to start off by thanking my Under Secretary - General, Yağız Patır for his contributions towards this committee. My friends, Zain Younis and Can Öktem have also helped throughout this study guide and I sincerely thank them. I also would like to congratulate the entire BESTMUN family and the executive team; Osman Batu, Ayaulym, Ceren and Fırat. Seeing them work night and day really inspired me. They worked tirelessly to make such a prestigious conference come true.

Dear delegates, in the following four days actively participate in debates and create diplomatic solutions. Make sure you fully comprehend the terms used within this document and try to make as much research on them as you can. Finally do not forget to have fun, with this extraordinary organization I am certain of the fact that you will have the time of your life.

As Hellen Keller said, "*Alone we can do so little; together we can do so much.*" So during this conference try to unite to overcome problems. For any inquiries you can contact me at mertozcacontact@gmail.com. See you all at BESTMUN'25!

Your Academic Assistant,

Mert Özcan.

2. INTRODUCTION TO SPECPOL

2.1. Mandate & Historical Background

The Special Political and Decolonization Committee (SPECPOL, also known as the Fourth Committee) is one of the six main committees within the United Nations General Assembly. When it was first created, the Fourth Committee was solely responsible for trusteeship- and decolonization-related matters. However, after independence was granted to all the United Nations trust territories on its agenda, the committee's workload decreased. And, the Fourth Committee was merged with the Special Political Committee, which had been created as a seventh main committee to deal with a broad range of political issues.

Today, SPECPOL considers a diverse agenda, including five decolonization related items, the effects of atomic radiation, questions relating to information, and a comprehensive review of the question of peacekeeping operations. Crucially for this agenda, it oversees Special Political Missions (SPMs), civilian led UN missions focused on conflict prevention and peacebuilding, such as the United Nations Mission in Nepal (UNMIN)

The Fourth Committee meets annually from late September to mid-November, comprising all 193 member states. It serves as the primary forum for discussing political disputes that do not fall under the Security Council, making it the ideal venue to discuss the sovereignty and stability of post-conflict nations like Nepal.

2.2. Introduction to the Agenda Item

The transition of Nepal from a centralized Hindu monarchy to a federal democratic republic represents one of the most ambitious political transformations of the 21st century.

After nearly a decade long armed conflict between the state security forces and the Communist Party of Nepal (Maoist), The country signed the Comprehensive Peace Accord (CPA) in 2006, formally ending the “People’s War” that claimed over 17,000 lives that was rooted in conflicts regarding feudalism, the caste system, and ethnic exclusion. However, the signing of the peace deal was not the end of Nepal’s challenges; it was merely the beginning of a democratization process that continues to test the resilience of the nation and the region.

The continuation of Nepal's peace process is the center of the debate. Even though the country succeeded in integration of the former Maoist party and pressure and adopted a new constitution in 2015, the path to political stability has been cut by frequent government collapses, constitutional loopholes and deep ethnic divisions. The constitution (2015) caused violent protests and extreme border blockade since especially Madhesi and Tharu communities felt excluded by the new federal boundaries.

The actions the international community can take in this context is complex. Nepal is geographically land linked between two rising territories, China and India, making its internal stability a matter of intense geopolitical interest. The United Nations has deep historical connections to the country via the United Nations Mission In Nepal (UNMIN), a special political mission that managed the post war transition. Today, the international community’s focus has shifted from peacekeeping to supporting the implementation of federalism, ensuring the independence of the judiciary, and pressuring the government to finalize Transitional Justice mechanisms for war-era crimes.

The Role of the International Community in Supporting Democratization and Political Stability in Post–Civil War Nepal, represents a dilemma that should be solved by supporting

Nepal's fragile institutions without infringing and damaging their sovereignty. With the recent 2024 amendments to the Transitional Justice Act, how international actors can move beyond standard aid packages to support genuine reconciliation, ensuring Nepal's federal democracy becomes self-sustaining and comprehensive rather than being in constant transition.

3. HISTORY

3.1. Overview of the Nepal Civil War (1996–2006)

To fully comprehend the situation of this revolutionary war, we have to understand some points. Understanding the parties involved in this will provide us the motivation behind such a war, their origin, the response of the opposing party and other consequences of the war.

The Royal Nepalese Army (RNA) was, for the most part, governed by the 1990 Constitution and the Army Act of 1959. On the Prime Minister's proposal, the King selected the army's Commander-in-Chief. The government insisted that the Maoist insurgency was a law and order issue and that the Nepal Police (NP) was the main security force used to deal with the situation as the conflict grew more intense in the late 1990s. However, a state of emergency was proclaimed on November 26, 2001, and the army was directed to fight the Maoists. The RNA later grew to include a Valley Command with its headquarters in Kathmandu as well as Divisional Commands in each of the five development regions.

The Nepal Police Act 1955, as amended, governs the Nepal Police (NP). It is led by an Inspector General of Police and is governed by the Ministry of Home Affairs. Section 4 of the Nepal Police Act 1955 states that the Government of Nepal is in charge of the Nepal

Police and has the power to make instructions and orders that the police are required to abide by. According to Section 8 of the Nepal Police Act 1955, the Chief District Officer is in charge of district-level police.

First created by an ordinance in January 2001, the Armed Police unit (APF) is a paramilitary police unit. Given the ongoing escalation of the conflict, which was then in its fifth year, and the ongoing difficulties experienced by a civil police force untrained to fight an insurgency, the government felt compelled to deploy extra forces against the Maoists, which is why the APF was established. The Ministry of Home Affairs oversees the APF, which is led by an Inspector General of Police.

According to the Armed Police Force Act of 2001, the APF's duties include: controlling armed conflicts that are occurring or likely to occur in any part of Nepal; controlling armed rebellion or separatist activities that are occurring or likely to occur in any part of Nepal; and controlling terrorist activities that are occurring or likely to occur in any part of Nepal. The RNA has operational command over the APF. The APF, which had about 30,000 members at the end of the war, was divided into five fighting brigades, one for each development region.

In 1995, the CPN Maoist was established in Nepal. The Chairman of the Party was also the Supreme Commander of the People's Liberation Army (PLA), the CPN's (Maoist) armed branch. The CPN (Maoist) Party led the Maoist military, which served to advance the Party's political objectives. Although the Maoists had been strengthening their military capabilities since the start of the "People's War" and had active combatants operating under a chain of command and participating in military action long before the Army was formally

formed, the PLA's formation was announced at the Maoist army's first national conference in September 2001.

Many researchers estimate that there were between 5,000 and 10,000 active combatants for the majority of the battle period, while the precise number of PLA personnel during the conflict is still up for debate. By the end of the war, the PLA had grown to comprise seven officially recognized divisions across the nation. These divisions were arranged under three commands: Western Command, Special Central Command, and Eastern Central Command. The Supreme Commander and four Deputy Commanders oversaw these commands. (Nepal Conflict Report 2012, n.d.)

3.1.1. The Maoist Insurgency

The Maoist Insurgency in the Kingdom of Nepal was a long-lasting armed conflict between the Kingdom and the Maoist Communist Party of Nepal. This armed conflict lasted a total of 10 years between the years 1996 and 2006. Both of the parties within this conflict made use of guerrilla forces. The initial bullet was shot by Maoist forces on 13 February 1996. The insurgency had the sole purpose of overthrowing the current regime and establishing a people's republic.

On February 11th the Prime Minister, Sher Bahadur Deuba left the country for a meeting in India. Two days later, on February 13th, the Maoist Center overran the office of the Small Farmer's Development Programme run by the Agricultural Development Bank and destroyed the loan papers in the Gorkha district. These series of offenses were followed by

attacks on police stations, causing bodily harm and social discomfort. (Thapa & Sijapati, 2003)



Figure 1 (Νεπάλ - Φουντώνει Το Μαιοϊκό Αντάρτικο, 2002) *A Nepalese Maoist rebel speaks to villagers in the area around Piskar*

The Communist Party of Nepal came into power in 1997. Around this time the active conflict had come to an end but the issues between parties were not resolved. These continuous arguments between parties led to a series of armed conflicts and social harm.

Two years after the initiation of the war, the Maoist group announced the formation of a centralised military commission under the Nepalese politician Pushpa Kamal Dahal also known as Prachanda. From February 13th to May, 51 village development committees in the Rolpa district and western Nepal were under the Maoist control and they were under the command of a parallel administration, “People’s Government”.

After the tour of Prime Minister Girija Prasad Koirala to the Maoist influenced area, the monarch administration realized the current events had a major influence and the situation was getting out of hand. After the attacks on Kalikatar, the government launched the “Kilo Serra II”. The said operation was initially planned to be a search and kill to prevent the Maoist movement from strengthening.(Thapa, 2005b)

3.1.2. Government Response

The government of the Kingdom of Nepal initially mobilized the Nepal Police to try and contain these offenses. The Army was not involved in one to one conflict as it was seen as a policing problem, rather than a big scale terrorism attack. On February 1 2001, King Birendra and the royal family were brutally killed in the official residence of the monarchs. (*Why Nepal's Crown Prince Went on a Killing Spree - the World From PRX*, 2013)

The government tried many means of conducting peace deals but failed to succeed, resulting in even more human lives being lost to armed conflicts. The government then banned anti-monarchy statements throughout such regions by imprisoning journalists - most of them having big followings - and shutting down newspapers accused of being on the insurgents' side. (*Headline News the Kathmandu Post (Nepal)*, n.d.)

In April of 1997, the Nepalese government had an attempt at forming a taskforce with the aim of investigating the Maoist Activities under the Communist Party of Nepal's member in the parliament, Prem Singh Dhimi but the report coming from the said taskforce was shelved in August.

The kingdom also had a legislative attempt at introducing the Terrorist and Destructive Activities (Control and Punishment) Act in July of 1997 with the lead of deputy prime minister and home minister Bam Dev Gautam. The content of the said act increased the authority of the Nepalese police forces against the ‘terrorists’. This revolutionary act was revoked before its introduction in the parliament caused by the potential protests from civil society, the media, and international organizations. (Thapa, 2005)



Figure 2 (Children in the Ranks: The Maoists’ Use of Child Soldiers in Nepal : II. Background, 2006) In April 2006, public demonstrations challenged King Gyanendra’s year-long authoritarian rule despite the use of excessive force by Nepali security forces.

3.1.3. Casualties and Displacement

Following the series of armed conflict, resolution attempts and humane problems caused societal changes in the way of life. Many citizens had to change their living space many times, families had to evacuate their homes causing large amounts of disruption in education, health and basic governmental functions across the entirety of the country. Economic disruption and hardships were aggravated by this war and the overall situation of Nepal was not stable, causing unpredictable moves being made by a large variety of individuals. (Nepal Conflict Report 2012, n.d.)

In terms of level of violence, year 2005 remained considerably lower than previous years, partly because of the unilateral cease-fire announced by the Maoists in the latter four months of the year, and also because the Army had essentially ceased its ‘offensive’ counter-terrorism operations.

Year*	Civilians	Security Forces	Maoists	Total
2005	232	310	1301	1843
2004	380	481	1590	2451
2003	214	307	1584	2105
2002	238	666	3992	4896
2001	50	198	803	1051

Table 1 (Nepal Assessment 2006, n.d.) Fatality data by year.

A comparison of data from January to August for the years 2001 to 2005 shows that, prior to the Maoist truce in September, the violence in 2005 was headed toward a higher

number. Additionally, a breakdown of fatalities by month in 2005 shows that the violence peaked in April and May.

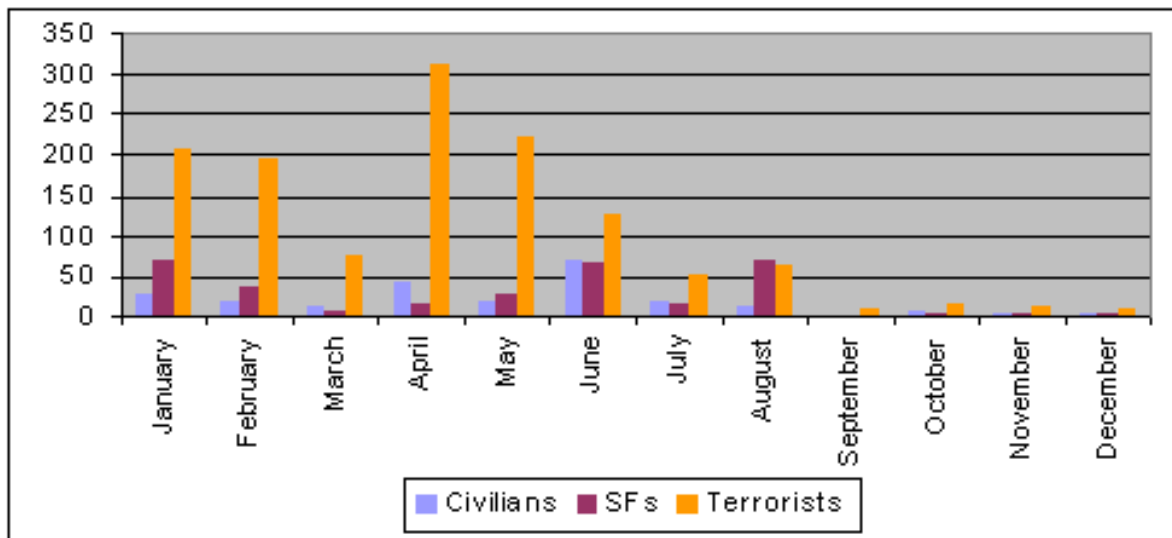


Figure 3 (Nepal Assessment 2006, n.d.) *Casualty numbers per month.*



Figure 4 (Shehab Uddin/AP, n.d.) *Police baton-charge demonstrators during protests in which 100,000 people defied a curfew to show opposition to the monarchy.*

3.2. The 2006 Comprehensive Peace Accord

Signed on November 21st 2006, the Comprehensive Peace Accord (CPA) is the most important document that has formally ended the decade long “People’s War” between the Government of Nepal and the Communist Party of Nepal. Signed by the Prime Minister Girija Prasad Koirala and Maoist Chairman Prachanda (Pushpa Kamal Dahal), the accord fundamentally altered the political structure of Nepal, deeply affecting the politics of South Asia. The CPA was not merely a ceasefire; it was a roadmap for the total restructuring of the state. It formally invited the United Nations to assist in the peace process, leading to the establishment of the United Nations Mission in Nepal (UNMIN) via Security Council Resolution 1740, making the implementation of this accord a direct responsibility of the international community. (Shah, 2023)



Figure 5 (Webmaster, S. n.d.) Prime Minister Girja Prasad Koirala and CPN Maoist Chairman Prachanda shake hands and exchange the papers after they put their signatures in the Comprehensive Peace Accord.

The management of arms and armies was the most immediate security concern addressed by the CPA and the subsequent agreements on Monitoring the Management of Arms and Armies (AMMAA) signed in December 2006. The Maoist “People's Liberation Army” (PLA) agreed to canton their combatants in seven main cantonment sites and 21 satellite camps across the country. A harsh verification process conducted by the United Nations Mission in Nepal eventually registered 19,602 verified competence out of over 30,000 original claimants. Their weapons were stored in secure shipping containers equipped with a single lock system that required the keys to be held by the Maoist commanders, but the containers were monitored 24/7 by UNMIN surveillance cameras and personnel to ensure the weapons were not used. (“Registration of Weapons Completed With UN Help,” 2023)

Simultaneously the Nepal Army agreed to remain in their barracks and restrict their arms usage to ensure a balance of power during the transition. The process concluded years later with the integration of eligible Maoist competence into the Nepal Army under a newly created General Directorate is a rare example of successful rebel integration in modern history.

The CPA set the stage for the abolition of the 240 year old Shah monarchy, a demand that had been central to the Maoist insurgency. The accord declared that the future of the King would be decided by the first meeting of the Constituent Assembly (CA). This Promise was fulfilled on May 28th 2008, when the newly elected CA voted overwhelmingly to

abolish the monarchy and declare Nepal a Federal Democratic Republic. The CPA also opened the way to the adoption of an Interim Constitution (2007), which replaced the 1990 Constitution and formally stripped the King of his status as head of state and army. The political transformation was designed to shift power from a centralized Kathmandu elite to a multiparty democratic system. (*Full Text of the Comprehensive Peace Agreement Held Between Government of Nepal and Communist Party of Nepal (Maoist) - Nepal, 2006*)

In section 5.2.5 of the Accord, both sides agree to set up a Truth and Reconciliation Commission (TRC) and a Commission of Investigation on Enforced Disappeared Persons (CIEDP) within 60 days of signing the agreement to investigate war crimes. Crucially this reminds the most significant broken promise of the CPA. Instead of 60 days, it took 8 years to pass the first TRC Act in 2014, which was widely criticized by the International Community for containing amnesty provisions for serious crimes. As of 2025, over 60,000 complaints have been filed, but almost no prosecutions have occurred. This failure kept the ones of the war open, with thousands of families still waiting for answers regarding the thousands of people who remained “disappeared”. The recent August 2024 Amendment to the TRC Act attempts to fix this by removing amnesty for serious crimes but it remains to be seen if it will be effectively implemented. (“Breaking Barriers to Justice,” 2024)

The accord especially recognized that the root cause of the war was not just ideology, but deep seated feudalism and exclusion. It mandated the progressive restructuring of the state to end discrimination based on class, caste, region and gender. This provision was the spark of the federalist movement. By acknowledging that the centralized States had failed marginalized groups, specifically Madhesis, Tharus, and Dalits, The CPA legitimize their demands for autonomous provinces. However, the delay in implementing this restructuring

led to the violent uprisings in the Terai region in 2007 and 2015, as these groups felt the new constitution (2015) betrayed the promises of inclusion made in the original peace deal.

3.3. Nepal's Democratization Process

3.3.1. Constitutional Reform of 2006

Following the reinstatement of the House of Representatives, the administration started a comprehensive consultation process with the Maoists and the Seven Political Parties with the goal of removing the King's authority and drafting a temporary constitution. This procedure really began before the Comprehensive Peace Agreement was signed on 21 November 2006. On 16 June 2006, the government of Nepal and the Maoists agreed to establish the Interim Constitution Draft Committee (ICDC), which was entrusted with finishing the draft within 15 days.

However, the work of the committee experienced delays. Although the government ordered the ICDC to begin its work on 7 July 2006, the committee was only able to deliver the draft interim constitution on 25 August 2006. The draft defined the mechanism of the transitional administration, but the constitution's proclamation was postponed until an agreement was achieved on the monitoring of arms and army management, known as AMMAA. This mechanism was established according to the Comprehensive Peace Agreement agreed later in November.

3.3.2. Constitutional Reform of 2007

The temporary constitution was enforced on 15th of January 2007. This constitutional review stated that a consensus government was to be formed until the finality of the constitution was agreed upon and enforced. A 330 member interim parliament was

established consisting of a wide range of backgrounds, including the Maoists. The royalty had no real authority and power left, making a huge contribution towards democratisation.

The temporary constitution came into enforcement, replacing the one from 1990 as stated above. This constitution was amended three times; making up the First, Second and the Third Amendments. These amendments made way for the removal of the prime minister and the king by a two-thirds vote of the temporary legislation if they show barriers to the Constituent Assembly elections. The third amendment had the purpose of making Nepal a republic. This very important amendment was planned to be enforced with the first Constituent Assembly election, however it did not take place in 2007.

3.3.3. Constitutional Reform of 2008

The Constituent Assembly (CA) elections finally took place on 10 April 2008 and the Maoist party was the leading party with 220 seats out of 330. This delay in the formation of a consensus government “forced” the Fifth Amendment to be added into the constitution. This amendment was adopted on 13 July 2008 and was the foundation behind the formation of a majoritarian government.

The CA finally had the right conditions to work on the draft constitution that was scheduled to be enforced before the current CA’s serving time ended. In November 2008 the CA approved multiple regulations and procedures to make the foundation of Nepal’s legislation. The establishment of committees were made but the CA still had struggles making legislation since Major parties were unable to reach a consensus.



Figure 6 (Nepal: Deconstructing the Constituent Assembly's New Rules of Procedure and Action Plan, n.d.) Constituent Assembly of Nepal

3.3.4. Constitutional Reform of 2009

Following the establishment of the committees in 2008, all of the committees were filled with members of the parliament via elections by 13 January 2009. The chair of the Constitutional Committee (CC) was unanimously elected to be Madhav Kumar Nepal, one of the senior leaders of the Communist Party Nepal-United Marxists Leninists. In the making of the constitution, 40 teams consisting of CA members visited 75 districts to keep the public opinion in mind. Despite all these efforts, the constitution making process faced enormous problems, as the prominent political groups could not find a common ground on many topics such federalism, the modality of governance, the management of armaments, and the Maoist

combatants. Moving from the national consensus government to a majoritarian government offered the largest challenge in the constitutional formulation process.

3.3.5. Constitutional Reform of 2010

Failing to reach a common ground, the CC stopped its proceedings until further decision. While these problems continued to occur, the debated problems like state restructuring and the further form of governance remained unsolved. The CA failed to provide the final constitution on 28 May 2010. A change to the interim constitution extended the tenure of the CA for another year, to 28 May 2011. To resolve the constitutional dispute, a high-level political mechanism was established and chaired by Mr. Puspa Kamal Dahal. This mechanism was composed of representatives from seven parties in the Constituent Assembly, and was formed in October. Its goal was to resolve the 210 contentious issues that the panel led by Agni Kharel had identified after reviewing the concept papers of eight CA theme committees. The task force resolved 100 of the disputed issues.

3.3.6. Constitutional Reforms between 2011 and 2015

The failure to form a consensual government resulted in the failure of the Constituent Assembly to fulfill its duty of creating a final draft of the constitution. The Maoist party's unwillingness to start the rehabilitation of its fighters and the ideological divide between it and other parties were additional factors. The duration of the CA was extended for the second time in May 2011, this time for three months. The 2012 Constitutional Reform made important progress. Most parties agreed on the formation of the country as a federal state. This, however, was still unsuccessful due to the different factions of the Maoists not being able to agree on the principles this federation would have been founded upon. No substantial legislative progress was made in the years 2013 and 2014 however the parties would start to

open themselves up for further cooperation. Political parties were initially unable to finalize constitutional issues or produce a draft constitution.

In 2015, leaders from four of the major parties met and agreed to resolve all major disputes within a few days and prepare a draft constitution using a quick process. On 9 June, the four parties reached a 16-point agreement addressing the contentious points. The draft constitution was then submitted to the Constituent Assembly (CA) on 30 June. Deliberations on the draft began on 2 July and concluded on 7 July. On the same day, the CA endorsed the draft and forwarded it for publication in the *Nepal Gazette*, initiating a 15-day period for public feedback.

4. CURRENT SITUATION

4.1. Nepal's Governance Structure After 2015 Constitution

The Constitution of Nepal (2015) fundamentally transformed the nation from a unitary system into a federal democratic republic. The country is now divided into three autonomous tiers of government: Federal, Provincial and Local. They are meant to decentralize power from the historically dominant Kathmandu valley.

At the center, Nepal operates under a Federal Level (Kathmandu) parliamentary system with a bicameral legislature, designed to balance direct comprehensive inclusion. The Federal Parliament consists of two houses: House of Representatives, National Assembly.

The House of Representatives elects the prime minister. It has 275 members elected through a mixed system. 165 are elected directly through "First Past the Post" (FPTP) from

geographic constituencies, while 110 are elected through "Proportional Representation" (PR) to ensure smaller parties and marginalized groups are represented.

The National Assembly is a permanent house of 59 members. 56 are elected by an electoral college of provincial and local leaders, and three are appointed by the President. This house is designed to check the power of the lower house (House of Representatives) and ensure Provincial interests are heard in the capital. (*Nepal | National Assembly | IPU Parline: Global Data on National Parliaments*, n.d.)

The Provincial level (7 Provinces) is the newest and most contentious layer of governance. Nepal is divided into seven provinces, each with its own unicameral Provincial Assembly. Their structures are similar to the Federal Level, Provincial Assemblies follow a mixed electoral system. This often leads to "hung Parliaments" where no single party has a majority forcing unstable coalitions. ("Six Years of Provincial Assemblies," 2024)

The Local Level makes the 2015 Constitution since it's a proof that local bodies are granted significant autonomy. The country is divided into 753 local levels. Unlike in the past where local bodies were controlled by Kathmandu bureaucrats, Schedule 8 of the Constitution grants 22 exclusive powers to local governments, including control over basic education, local health services, and local taxes. This has been the most successful part of federalism, as local mayors often have more direct impact on citizens' lives than provincial ministers. (Summary Report ASSIGNMENT of FUNCTIONS across LEVELS of GOVERNMENT in NEPAL ASSIGNMENT of FUNCTIONS across LEVELS of GOVERNMENT in NEPAL, n.d.)

To resolve disputes between these three powerful tiers, the Constitution established a three-tier court system (District, High, and Supreme Courts). Crucially, it created a Constitutional Bench within the Supreme Court specifically to settle "jurisdictional battles" between the federal and provincial governments, a frequent occurrence as provinces fight for control over police and natural resources. (Supreme Court of Nepal, 2025)

4.2. Human Rights & Social Inclusion Issues

While Nepal's constitution is progressive on paper, the reality is characterized by a "culture of impunity". The failure to punish past war crimes has made it more possible for current individuals to ignore human rights, leading to a situation where marginalized groups and civil society face increasing threats.

For nearly two decades, the victims of the Civil War(1996–2006) waited for justice regarding the people that were killed or disappeared. A major development occurred in August 2024, when Parliament finally passed the third amendment to the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act. While the UN High Commissioner for Human Rights welcomed this as a critical step forward, victim groups remain alarmed that the new law effectively classifies "murder" as a non-serious crime if it wasn't "cruel," potentially allowing perpetrators to receive amnesty or reduced sentences. (*Nepal: New Transitional Justice Law Aids Wider Search for Truth*, 2024). This creates a dangerous precedent: if war criminals are not punished, current security forces feel empowered to use excessive force against protesters without fear of consequences.

Despite the Constitution declaring it as a “secular state” free from discrimination, the Dalit community continues to face systematic exclusion. A 2024 Amnesty International report highlighted that Dalits are still frequently denied entry to temples and are victims of "descent-based discrimination," with the police often refusing to register their complaints.

A new and alarming trend in 2024–2025 is the government's crackdown on civil liberties. Following political instability, the government has attempted to restrict digital rights, most notably through the TikTok Ban in late 2023, which rights groups argued was an unconstitutional attempt to stifle public criticism under the guise of "social harmony". (“Nepal: Unlawful Use of Force During ‘Gen Z’ Protest,” 2025) Furthermore, the proposed Media Council Bill has drawn sharp criticism from the Federation of Nepali Journalists, as it would grant the government sweeping powers to appoint members of the council that regulates the press, effectively threatening the independence of Nepal’s media landscape. (*Amend Media Council Bill, 2024*)

4.3. Federalization and Ethnic Tensions

The transition to a federal structure was formally institutionalised by the Constitution of Nepal (2015). While the move from a unitary system to a federal one was intended to decentralize power and empower historically marginalized groups, the specific delineation of provincial borders has become the single biggest source of political instability in the post war era.

Following the devastating April 2015 earthquake, Nepal’s major political parties fast tracked the writing of the constitution to focus on national reconstruction. However, this

rushed process bypassed necessary consultations with ethnic minorities. When the Constitution was proclaimed on September 20th 2015, it divided the nation into seven provinces. Instead of celebrating, the southern plains (the Terai) erupted in violence. The Madhesi and Tharu ethnic groups argued that the provincial borders were "gerrymandered" to split their population clusters, ensuring that the traditional "Hill Elites" (specifically the Bahun and Chhetri upper castes) would retain demographic majorities and political control in almost every province. For example, the Tharu population in the west was split between two provinces to dilute their voting power, sparking the Tikapur Incident where violent clashes led to the deaths of police officers and protesters. ("Nepal's Divisive New Constitution: An Existential Crisis," 2016)

The dissatisfaction with the federal map led to the Third Madhes Movement. Protesting groups in the southern Terai region blocked key trade checkpoints along the Nepal-India border. This resulted in an unofficial economic blockade that lasted nearly five months (September 2015 – February 2016). As Nepal is a landlocked nation dependent on India for fuel, medicine, and food, the blockade created a humanitarian crisis more severe in economic terms than the earthquake itself. This event internationalized the internal conflict; India openly supported the Madhesi demands for constitutional amendments, leading to a diplomatic freeze between Kathmandu and New Delhi. ("Like We Are Not Nepali," 2023)

As of 2025, while the violence has subsided, the implementation of federalism remains paralyzed by a "cold war" between the central government in Kathmandu and the provincial governments. Provincial governments, particularly in Madhesh Province (Province 2), report that they lack the financial resources to function. The federal government retains

the vast majority of tax revenue, forcing provinces to rely on "handouts" from Kathmandu, which undermines the very concept of autonomy. (World Bank Group, 2024)

The federal government has refused to fully devolve control over the police and civil service to the provinces. Without their own security forces or bureaucrats, provincial Chief Ministers argue they are merely "glorified administrators" with no real power to enforce laws or protect minority rights. The naming of provinces remains a flashpoint. While some provinces have successfully adopted names based on geography (e.g., Gandaki, Karnali), the struggle continues in eastern Nepal (Province 1), where ethnic groups like the Limbu and Rai are demanding the name "Kirat" to reflect their indigenous heritage, leading to protests and shutdowns (bandhs).

The international community faces a dilemma regarding Nepal's federalism. Major donors (such as the World Bank, DFID, and USAID) have poured millions into "capacity building" for local governments. However, they are often accused of technically supporting a system that is politically broken. The UN and international observers have consistently urged Nepal to amend the Constitution to address Madhesi grievances, but they must tread carefully to avoid being accused of interfering in Nepal's sovereignty or encouraging ethnic separatism.

5. ROLE OF THE INTERNATIONAL COMMUNITY

5.1. UN's Current and Past Engagement

The United Nations has been the central pillar of Nepal's peace progress since the signing of the Comprehensive Peace Accord CPA, though its engagement has evolved significantly from a direct political monitor to development partner. The most significant

historical intervention was the United Nations Mission in Nepal (UNMIN), A special political mission established by Security Council Resolution 1740 (2007). Unlike traditional peacekeeping missions, UNMIN was a civilian-led operation with a specific mandate to monitor the management of arms and armies. While it successfully prevented a turn to war, its exit was controversial as it left without seeing the full integration of the armies, handing that responsibility back to the national government.

In the past 2015 era the United Nations's presence has shifted to specialized agencies like UNDP and OHCHR, focusing heavily on human rights and governance. A crucial point has been the long delayed Transitional Justice process. For years, the UN criticized Nepal's amnesty provisions for war criminals, but a significant breakthrough occurred in August 2024, when Nepal's parliament finally passed amendments to the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act. The UN accepted this as a positive progression towards accountability, though it continues to monitor the law to ensure that preparators of serious crimes face persecution rather than pardon. (*Nepal: New Transitional Justice Law Aids Wider Search for Truth*, 2024)

Additionally, the United Nations Development Programme (UNDP) actively supports the implementation of federalism through programs like the Provincial and Local Governance Support Programme (PLGSP). Since the new provincial governments, especially in Madhesh Province, often lack technical capacity, the UN provides the bureaucratic expertise needed to manage budgets and draft local laws. (*Provincial and Local Governance Strengthening Programme*, n.d.)

5.2. Peacebuilding

Beyond the United Nations, peacebuilding in Nepal is a highly staked geopolitical contest, as the country's stability is directly linked to the interests of its two giant neighbors, India and China. India has historically been the most influential actor and played a key role in mediating the end of the Civil War. However, diplomatic relations soured significantly after the 2015 Blockade, where India was accused of supporting Madhesi protestors by choking Nepal's fuel supply. Consequently, Nepal has increasingly turned toward China, whose role has grown exponentially in recent years. Through the Belt and Road Initiative (BRI), China invests heavily in infrastructure, viewing a stable Nepal as essential for the security of its bordering Tibet Autonomous Region. Unlike Western donors who often condition aid on human rights improvements, China's policy of "non-interference" makes it an attractive partner for Nepali politicians.

Another critical gap in Nepal's peacebuilding efforts has been the systemic exclusion of women. Despite women making up a significant portion of Maoist combatants (approximately 20-30%) during the war, they were largely sidelined during the disarmament and reintegration process. To address this, the international community now prioritizes UN Security Council Resolution 1325, funding programs that specifically aim to increase women's participation in local government and the police. This shift is designed to ensure the "post-conflict" era is inclusive and that the specific grievances of female victims of conflict are addressed in the new federal structure. (The Role of Women in Peacebuilding in Nepal, 2013)

In recent years, this geopolitical rivalry has expanded to include the United States, specifically through the controversial Millennium Challenge Corporation (MCC) compact.

The MCC is a \$500 million American grant focused on building electricity transmission lines and road maintenance, which was ratified by Nepal's parliament in 2022 after years of fierce debate. Critics within Nepal, often encouraged by rival geopolitical narratives, argued that the MCC was part of the US "Indo-Pacific Strategy" aimed at countering China, thereby violating Nepal's non-aligned foreign policy. The passage of the MCC highlighted how development aid in post-conflict Nepal is rarely just about economics; it is deeply politicized. Western donors, including the European Union, the UK (FCDO), and USAID, tend to focus their peacebuilding efforts on "soft power" initiatives such as strengthening democratic governance, supporting civil society, and promoting the rule of law. These donors argue that without strong institutions, the "hardware" of roads and bridges cannot sustain peace, whereas critics argue that Western aid often comes with too many prescriptive political strings attached. (Baral, 2022)

6. TERMINOLOGY

1. **Amnesty:** A government decision to pardon a group of people for past political crimes. This is highly controversial in Nepal when applied to perpetrators of serious human rights violations.
2. **Comprehensive Peace Accord (CPA):** The 2006 agreement that officially ended the Civil War between the Government of Nepal and the Maoist insurgents, initiating the nation's peace process.
3. **Descent-Based Discrimination:** Discrimination targeting individuals based on their birth or ancestral origin, most notably applied to the Dalit community in Nepal.
4. **Devolution:** The legal transfer of political power and fiscal resources (like taxation or policing authority) from the central government to a lower level of government (provincial or local).
5. **Federalism:** A system of governance where political power is legally shared between a central authority (Kathmandu) and sub-national units (the seven provinces).
6. **Impunity:** Exemption from punishment or loss for actions, especially where a serious crime or human rights violation has occurred. The *culture of impunity* is a major roadblock in post-conflict Nepal.
7. **Madhesi:** An ethnic group residing primarily in Nepal's southern Terai (flatland) region who felt marginalized by the boundary demarcation in the 2015 Constitution.
8. **Millennium Challenge Corporation (MCC):** A large \$500 million grant from the United States for infrastructure (power and roads) that became a highly politicized domestic issue due to concerns over its geopolitical implications.

- 9. Non-Aligned Foreign Policy:** Nepal's long-standing diplomatic principle of remaining neutral and not formally aligning with or taking sides in geopolitical disputes between global powers.
- 10. Sovereignty:** The exclusive right of a nation-state to govern itself and its territory without external interference. The Nepali government often cites this when resisting international pressure for internal reform.
- 11. Tharu:** An indigenous ethnic group of the Terai region, who, like the Madhesi, felt marginalized by the federalization process outlined in the 2015 Constitution.
- 12. Transitional Justice (TJ):** The process a country uses to address large-scale human rights abuses from a past conflict to achieve reconciliation, accountability, and justice.
- 13. UNSCR 1325:** A landmark UN Security Council resolution (2000) that mandates increasing the participation of women and incorporating their perspectives in all peace and security efforts.

7. QUESTIONS TO BE ADDRESSED

- How can the international community ensure the legislation in Nepal prevents amnesty for “non-cruel” murder to end the “culture of impunity” ?
- What actions should international bodies take to compel Kathmandu to sacrifice resources to transfer financial and security power to provincial governments?
- How can the UN advocate for constitutional amendments to redraw specific boundaries to address the social discomfort of communities in Madhesi and Tharu without undermining stability?
- How can the Nepalese government and the international community protect the democratization process from the politicized geopolitical rivalry to maintain Nepal’s current foreign policy?
- What steps should be taken to ensure the liberation of societies, including the protection of free press and digital rights in Nepal?
- How can SPECPOL ensure that the line between supporting Nepal’s brittle organizations and infringing on its national sovereignty when addressing critical mandates?
- What type of international support can be made to eliminate the wide-spread descent-based discrimination against specific communities and ensure law enforcement personnel work towards eliminating their complaints?
- How can post-conflict support effectively implement the meaningful integration of non-gender based systems to ensure woman presence in the police and federal governance structures?

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