

Assessing potential conflict during implementation of the new constitution

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Abstract:

Nepal is on the cusp of adopting a new constitution by resolving the major challenging issues of peace process. However, the Truth and Reconciliation Commission (TRC) is yet to successfully carry out its given mandate.

A research on '*Assessing potential conflict during implementation of the new constitution*' is conducted to identify key political issues facing the legislature-parliament and political parties regarding political transition around the January 19 deadline and the implementation of the new constitution. The major objective of the study is to analyze the prominent issues that might generate the political conflict while implementing the new constitution and also to map the position of key political stakeholders over identified issues. The study is carried out by desk reviews of the existing literature and conducted interviews with key stakeholders including political parties, government officials and experts.

The study attempted to figure out the potential challenges for the effective implementation of the new constitution among which Madhes movement is considered as the most significant challenge. In addition, issues related to transitional justice mechanisms, transition to a federal structure, simmering discontent among Madhesis and Janajatis, political conflict driven by competition for power and resources, and domestic manifestations of geo-strategic interests are likely to pose noteworthy challenges to establish sustainable peace and stability in the country. The paper also dealt with the transition to federalism in the new federal structure. Likewise, the paper explored the probable geo-political competition of interests between Nepal's two big neighbors during the implementation of the new constitution. The research recommended the political parties to come to an agreement regarding transitional issues including amendment of the constitution; electoral representation at the local, provincial, and federal levels; drafting and revision of legal frameworks to support restructuring of the state; and formation of a high court for a smooth transition and implementation of the new constitution as these transitional issues might have the potential to exacerbate political differences leading to deeper conflict in future .

Tags: new constitution, TRC, Madhes movement, federal structure, geo-strategic interests, federalism.