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A compromising consensus? Legitimising local government in post-conflict Nepal

This article analyses the ways in which claims to local government authority are legitimated in post-conflict Nepal, where interim arrangements bridge a situation in which elected government have not been in place since 2002. On the basis of our analysis of local development planning processes, we show how contested local government authority is worked out through a series of compromises. Central to the functioning of these compromises is the process of consensus, which serves two important functions. The first is that consensus is used to legitimate the various compromises necessary for local government to function in a context where the rules and authority of local government are caught in a lengthy 'transitional' ad-interim arrangement. Consensus also serves as a counter-political strategy that helps create the conditions for civil co-existence, or what has been termed 'rough and ready civility'. This civil co-existence is an important enabling condition for local politicians to reach the compromises necessary for day-to-day decisions to be taken. However, compromise also has its limits and it can potentially be *compromising* to participants.

Keywords: compromise, local government, politics, post-conflict, Nepal, consensus

'Ideals may tell us something important about what we would like to be. But compromises tell us who we are.'

(Margalit, 2010, 5)

'You know, people are always accusing the Maoists of ignoring the rules. Actually the other parties also don't follow the rules. I insisted that the budget for disadvantaged people should be spent for that purpose, but what could I do? The other parties outnumbered me. In the end I agreed.'[1] This statement, offered as explanation for why local government budget allocation rules were not being followed, was given to us by a local Maoist politician. The situation he found himself in is one of an ad-interim arrangement of local government since the term of the last elected local governments ended in 2002. Since then, democratically legitimated local governments have not been present in Nepal. This situation was mirrored at the national level in 2012 when the Constituent Assembly, elected following the Comprehensive Peace Agreement

[1]   Interview (14 November 2011). In keeping with academic convention, the names of persons and locations have been changed.

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that brought an end to the decade-long civil war, reached its term limits (after several extensions).[2]

The politician's statement raises an interesting question about local political practice in Nepal's 'post-conflict transition': Why is full agreement – consensus – so important to decision-making in the ad-interim situation? In this paper we argue that consensus serves two important functions. The first is that consensus is used to legitimate the various compromises necessary for local government to function in a context where the rules and authority of local government are caught in a lengthy 'transitional' ad-interim arrangement. The second is that consensus also serves as what Jonathan Spencer has conceptualised as a counter-political strategy, one that helps create the conditions for civil co-existence, or what he terms 'rough and ready civility' (2007, 165). This civil co-existence is an important enabling condition for local politicians to reach the compromises necessary for day-to-day decisions to be made, including decisions on issues related to local development planning. In this sense, consensus serves as a kind of abeyance technique, putting contested issues 'on hold' to allow the daily business of local government to proceed without undue disruption. In other words, consensus produces stability in a 'transitional' context where this is an important political objective (see also Sharrock, 2013).

Since the end of the decade-long civil war in 2006, the political context in Nepal has been labelled 'transitional' as the political and constitutional setting of 'New Nepal' is negotiated. Amongst other characteristics, this transition is pervaded by uncertainty about local government, extending to what the rules of local government are, which ones need to be followed, and who has the authority to decide this. However, this is not the first major transformation of 'the Nepalese state' in recent or living memory (Baral, 1977; Gellner, 2007) and the changes at a general level are also mirrored in the 'vacillating evolution' (Bhattarai, Conway and Shrestha, 2002) of several sectors, including local government (see Baral, 2008). Indeed, Harald Wydra's concept of 'permanent transition' (2000) seems an apt descriptor for this context.

As part of the wave of enthusiasm for decentralisation that swept over Nepal in the 1990s, and key to reforms of the then newly democratising state, the Local Self Governance Act was passed in 1999. While officially the Act remains in place, its implementation was set aside as the civil conflict intensified in the early 2000s and rival 'parallel' local governments were established throughout the country by the Maoists (see Ogura, 2008). During this time many people in rural areas found themselves caught between the conflicting forces and conflicting governmental projects of the Maoists and the then Royal Nepalese Government (for more on this period see the excellent analyses by Manandhar and Seddon, 2010; Pettigrew, 2013; Pettigrew and Adhikari, 2009). Towards the end of the conflict, interim arrangements for local government were established, both by directives from the national government and

2   A new Constituent Assembly was elected in November 2013

also through informal local arrangements in attempts to peacefully collapse the 'two polity' (Shneiderman and Turin, 2010) situation of the conflict years back into one. In this transition authority is very much 'up for grabs'. This is because, as Andrea Nightingale and Hemant Ojha have pointed out, 'the conflict/post-conflict environment triggers politics where antecedent forms of authority are simultaneously challenged and reinforced' (2013, 30). This analysis mirrors that of previous political transformations, which bear striking resemblances to today's in this respect (for example, see Ramirez, 2000).

Building on the work of Tania Murray Li (1999; 2005; 2007), we show that the uncertainty and confusion of local government authority leave, and indeed require, much room for compromise in the relationships between and among local government officials and local politicians. Compromise is a way of making things work when rules are unclear or impracticable and authority is contested. Our analysis takes a series of such compromises from our ethnographic study of the everyday practice of local government as entry points to exploring the consensus-driven politics that legitimate and make possible these compromises. However, and crucially, participating in consensus can also be *compromising* as it forestalls possibilities for political opposition and opens the door to various irregular practices. This entails a delicate balancing act for local politicians.

Such balancing is highlighted in the quote we started with. The Maoist leader who explained to us how it had happened that the budget funds earmarked for 'disadvantaged groups' were otherwise allocated emphasised that he had contested this proposal and that he had in the end (after lengthy discussions) bowed to the consensus decision. He presented himself as a responsible politician: he had sought to uphold the rules but had also not caused an undue disruption in the budget decision process in defending them. He posed his giving way to the consensus as a contrast to the popular perception of Maoists' ignoring rules and using intimidation to get their way. And yet he made his opposition clear, maintaining his party's official stance in favour of the rights of disadvantaged groups (a key element of the Maoist platform on which the civil war was waged) and choosing to share the incident with outsiders. This paper explores these seemingly paradoxical aspects of political practices.

Compromises, consensus and counter-politics

As the quotation that opened this paper suggests, not following the rules is a fairly widespread practice in Nepal, as elsewhere. Indeed, a retired senior civil servant advised us to keep the following in mind when researching authority in local government: '[I]t is important to know who makes the rules, but it is even more important to

know who breaks them.'[3] The breaking of rules, or the discrepancies between what is written on paper and what happens in practice, takes place because a certain amount of compromise is necessary in order for government to function. This insight is inspired by the work of Tania Li, who employs the analytical concept of compromise to explore practices of rule. Li argues that we should pay attention to the various and varied details of how governmental projects are implemented, such as whether rules are enforced or not and the multitude of minor adjustments and intentional oversights from the plan necessary for ensuring the compliance of those to be governed. Li's work builds on and contributes to a voluminous literature on the many ways in which the rules of any project are adapted, resisted and otherwise re-interpreted in their implementation, particularly at what might be termed a local scale (see, amongst many others, Ferguson, 1990; Gupta, 1995; Hansen and Stepputat, 2001; Scott, 1998). Crucially, these adjustments or compromises are not exceptions but rather an integral part of how rule is accomplished (see also Spencer, 2007).

Compromise is a particularly useful analytical concept for us because it carries with it ambivalence. As Li also notes, one can compromise but one can also *be* compromised. For example, in the quotation we opened with, the local Maoist leader compromised his ideological principles in order to 'toe the line' of the 'consensus' reached among the other politicians. In other words, 'compromise is an ambivalent concept. It carries opposing evaluative forces […] a positive notion signalling human cooperation, coupled with a negative notion signalling betrayal of high-minded principles' (Margalit, 2010, 6).

In our empirical context, the practice of compromise is deeply intertwined with consensus – consensus both creates the conditions for compromises to happen and it is an important part of the claims made to legitimate compromises. Unlike other authors who see compromise and consensus as opposite ends of a decision-making spectrum (see van den Hove, 2006), our analysis suggests that they are deeply inter-related, at least in our empirical context. Writing about quite a different political context, Richard Heffernan has suggested that consensus politics are a framework that structure what is considered to be politically feasible – 'the possible as the art of politics' (Heffernan, 2002). If compromises tell us who we are, as Avishai Margalit has suggested (2010, 5), then perhaps consensus tells something about what we can do (politically). Furthermore, not only does it tell us what we can do or what is possible, consensus can be a key factor in the production of political possibility (Snellinger, forthcoming).

Consensus is considered to be highly important to political decision-making in post-conflict Nepal and is explicitly stipulated in both the Comprehensive Peace Accord (2006) and the Interim Constitution (2007). However, consultation leading to consensus as means to legitimate decisions and ensure their implementation has a

3   Interview (1 December 2011).

long tradition in Nepal. The skills to listen to others and identify consensus positions are considered to be important leadership skills. Caspar Miller writes that through such consultation and consensus building procedures, a leader's 'thinking can be refined without the loss of face that would come from announcing a decision and then having it submitted to criticism and cross-examination and even rejection (in the form of non-implementation)' (2000, 167). When a decision-maker has the skill to facilitate a true consensus, then they are actually a decision-announcer on behalf of the group, a position that adds to their prestige and perceived wisdom and benevolence (Miller, 2000). Consensual decision-making and authority thus mutually constitute and reinforce each other (Miller, 2000; Ollieuz, 2012; Ramirez, 2000; Snellinger, 2010; Suykens and Stein, forthcoming) – a point to which we will return later.

The post-conflict emphasis on consensus has come under fire from Nepali political commentators, including C. K. Lal (2013), who writes that 'unlike competitive politics conducted according to the rules of the game, the spirit of fair play, and acceptance of people's verdict in a sporting manner, the process of consensus is ill-defined. Nobody really knows how to arrive at unanimity over issues that are inherently conflict-ridden'. Lal also points out how consensus tends to temporarily hide, rather than resolve, contentious issues. Consensus makes it impossible to (openly) maintain differences of opinion, based on identity or ideological or other grounds. Consensus has also been linked to the alleged widespread practices of corruption, with the suggestion that local governance may be characterised as 'consensual corruption' (Bhattarai, 2010), or indeed that consensus has given way to collusion (Asia Foundation, 2012).[4] Given Nepal's political history, it is perhaps not surprising that a political culture in which opposition is cut off in favour of an all-encompassing single political vision (whether termed 'consensus' or otherwise) sounds alarm bells.

The relationship between consensus and contestation has been an important one in recent (as well as more longstanding) debates in political philosophy. Writers such as Jacques Rancière (1999) and Chantal Mouffe (2005) suggest that consensus is a 'post-political' governance technique to regulate politics and the political by removing or silencing contestation and dissent. From a certain point of view, Nepal's post-conflict emphasis on consensus makes it a prime example of the kind of dislocation of the political that Rancière and Mouffe were writing about (though in admittedly very different political contexts). The point, succinctly put, is that 'consensus is pure deceit: It pretends to promote peace without admitting that stifling all opposition is its real intention' (Lal, 2013).

While this argument is not without reason, particularly when applied to Nepal's national political context, we think that the situation is more ambivalent than this analysis suggests. We argue that the kind of consensus-based governance practiced

4   Allegations of corruption appear regularly in the media and public discourse, and such allegations were also related by my informants. However, I do not have any direct evidence of this.

in our empirical context is not (only) post-political but rather deeply political in its rejection of pervasive modes of political practice. In addition to the post-politics outlined above, de-politicisation has also been identified as working through practices characterised as anti-political and counter-political. While the former works through concealment and the instrumental negation of politics (Chhotray, 2007; Ferguson, 1990), the counter-political aims to 'defuse the effects of the political' (Spencer, 2007, 178). We argue that the notion of counter-political – 'a self-conscious attempt to resist the logic of division' (Spencer, 2007, 175) – better helps us to understand political realities in our empirical context. We argue that consensus (*am sahamati* – 'all agreement' in Nepalese) is a political strategy that helps create the conditions for civil co-existence and 'rough and ready civility' (Spencer, 2007, 165). Building on the insights of Celayne Heaton Shrestha and Ramesh Adhikari (2010), we argue that such politics is not merely a 'masquerade', nor merely the product of downplaying, avoidance or hiding. In this interpretation, consensus is not a deceitful stifling of opposition, but a rejection of a counterproductive opposition for opposition's sake (or that of enmity). Rather than the friend/enemy distinction central to some understandings of the political, counter-politics involves creating a relationship with the erstwhile 'Other', searching for dialogue and cooperation.

While we find Heaton Shrestha and Adhikari's analysis insightful, we differ from their categorisation of counter-politics as apolitical. We see the attempt to create an (at least ostensibly) politics-free space as a very political move (Korf, 2010). In our understanding, the attempt of 'counter-politics' to create a space that is outside of politics, to actively overcome the limits of politics, to focus on policy-making rather than mere politicking – this kind of a boundary-making exercise separating counter-politics from politics as usual – cannot be anything but political itself. It moves (or discursively and practically attempts to move) the distinction from political friend/enemy to a distinction between a benevolent and responsible leader and one mired in 'dirty politics'. However, in practice this distinction is not as easy to trace as we have just suggested. We can discern both counter-politics and politics as usual in the words and actions of our informants and these are played out in overlapping fields (see also Hasbullah and Korf, 2013). Perhaps then neatly drawing these kinds of binary distinctions is less important than trying to understand why our informants might suggest that they exist.

Compromise in practice: local government in Kamthola

In order to shed some light on the everyday inner-workings of consensus politics, we turn now to an analysis of a series of compromises in the practice of local government. As we highlighted earlier, compromises are a useful analytical entry point for understanding the various ways in which governmental rule is implemented (resisted, adapted, etc.). From the range of issues local governments make decisions about, we

focus on selected examples related to local development planning. These examples are drawn from research carried out in 2011, 2012 and 2013 in a locality in Surkhet district in the mid-western hills of Nepal that we will call Kamthola. Our analysis builds on some 70 semi-structured interviews, as well as extensive participant observation, observer participation and 'hanging out' in the public life of this locality. In particular, we spent time 'job shadowing' the Secretary of the Village Development Committee (VDC), the key local public administration staff member, and lived in the homes of two different political leaders. This afforded us the opportunity to observe the many informal interactions and the 'behind the scenes' organisational work between important meetings. While our conceptual reflections are based on this empirical setting, the empirical results in themselves should not be taken as representative of every local government in Nepal. That being said, our observations, and those of others, in other parts of the country suggest that Kamthola is certainly not exceptional (see Byrne and Chhetri, 2010; Carter Centre, 2011a; Carter Centre, 2011b; Nightingale et al., 2012; Sharrock, 2013; UNRHCO, 2011).

Nepal's Local Self Governance Act (LSGA) refers to two main levels of 'local bodies': Village Development Committees (in rural areas), municipalities (in urban areas) and District Development Committees. In this paper we focus on political practices at the Village Development Committee (VDC) level. Since the term of the last elected local governments ended in 2002, the executive authority granted to elected local governments under the Local Self Governance Act is delegated to local civil servants attached to central government ministries. Responsibility has been assigned primarily to the VDC Secretary, an administrator appointed by the Ministry of Federal Affairs and Local Development, as well as those in charge in the local Agriculture Office and the Health Post. Together these three civil servants are mandated to carry out the executive functions of local government enumerated in the Act, including local development planning, approving the VDC budget, levying and collecting taxes, administering allocated funds (such as pensions), monitoring on-going development works, coordinating the activities of line agencies, NGOs, etc. In practice the main responsibility falls to the VDC Secretary, with the other two civil servants providing more or less active support.

Among these functions, local development planning (and related budgeting) features prominently, and yet the exact scope of the authority of the VDC in this respect is fuzzy. There are several reasons for this. A key reason is that the LSGA has never been fully implemented and services such as health, education or agricultural support remain under the purview of sectoral administrations rather than the VDC (as stipulated in the LSGA). Sectoral legislation in key fields, such as forestry, contradicts the LSGA over which institution has the right to manage local resources. Mirroring the situation in the state system, most NGOs prefer to do their own project-specific planning rather than submitting to the authority of the VDC. Local develop-

ment planning is thus fragmented among various different state and non-state local institutions. Thus despite the broad scope of the LSGA, VDC level planning tends to focus on the distribution of the VDC grant and, where possible, attempts to coordinate the disparate activities of other actors (see also Byrne and Chhetri, 2010; Inlogos, 2009). Despite the obvious gaps between what is written in the LSGA and observable practice, local authorities in Kamthola (civil servants and politicians) consider themselves to be working within the frame of this legislation and to be following the letter of the law to the extent possible. The LSGA remains an important point of reference and is often referred to as a source of authority.

As a post-conflict interim measure to integrate local politicians in decision-making, until such time as local government elections could be held, the Ministry of Federal Affairs and Local Development directed the creation of an 'All-Party Mechanism' at VDC and district levels. Such a mechanism had already been practiced informally in many localities. Each political party active in the VDC was invited to appoint a representative to the Mechanism, which served to advise the VDC. However, in the face of widespread allegations of corruption, the Ministry disbanded the All-Party-Mechanism in early 2012. Nevertheless, it continues to function 'unofficially' in many localities, including the VDC where our research is conducted (see also UNRHCO, 2011).

As the preceding paragraphs have indicated, the context of local government in Nepal resembles a fairly 'complex tapestry of competing authority claims' (Mehta et al., 1999, 18). A number of different actors, sets of rules, procedures, consultative mechanisms and deliberation and decision-making spaces vie for authority. How these competing claims are worked out in practice can vary from locality to locality depending on their political history, culture and economy. A recent study of the political economy of local governance in Nepal (Asia Foundation, 2012) has suggested that factors such as (a) the erosion of government legitimacy, (b) an out-of-control emphasis on formal procedures, (c) an entrenchment of the informal deliberative space and (d) inherent incentives for the informalisation of local governance drive the increasing negotiability and informality of local government. It is relevant to note that these factors preceded the conflict in Nepal, and indeed are not unique to Nepal at all. For example, tensions between so-called formal and informal local governance institutions with competing claims to authority are widespread, particularly in contexts like Nepal where the presence of the state has been relatively thin on the ground or contested (see, among many others, Berry, 2004; Korf et al., 2010; Lund, 2006; Shah, 2007; Stepputat, 2001; Vandekerckhove, 2011). Indeed, even in contexts where governmental authority is not as 'fuzzy', contested or absent, processes of decentralisation, involving as they do transfers of power, have been fraught with contestations over authority and riddled with compromises.

It is these compromises that we will explore now in some depth, intending with

this fine-grained empirical analysis to illuminate the counter-political consensus that legitimate them and make them possible. We argue that compromises that work, that allow the everyday business of local government to proceed even in a challenging political context, are the result of painstaking political work. The practice of compromise is widespread in Kamthola and is essential to how the local government operates. This is what makes this case of particular analytical interest in understanding the complex local-level political dynamics of post-war Nepal. In the following paragraphs we describe two different kinds of compromises related to local development planning that can be observed in Kamthola: (a) a top-down compromise of local government rules (as suggested by Li) and (b) at the local level, compromises between and among local political leaders and local civil servants.

Adaptation of local government rules: 'If we follow the rules and regulations, nothing will work'[5]

The first aspect of compromise that becomes evident in discussing and observing local government practice in Kamthola is the many adaptations to the rules and regulations of local government in general and local development planning in particular. The rules are changed not simply because the local rule-makers, in this case the All-Party Mechanism (APM) and the VDC (principally the VDC Secretary), have the authority to do so, but because they find the rules impracticable for implementation. Examples of modifications of the rules abound, but here we examine modifications of the rules concerning how the budget is spent. The Local Self Governance Act envisaged three sources of funds for VDCs: (1) own income (taxes assigned to VDCs and fees for services), (2) grants from the central government (partially ear-marked and topped-up by a multi-donor local governance support programme) and (3) allocations from sectoral ministries to cover the costs of devolved services, such as education. At the VDC level, grants make up the major part of the budget and have significantly increased in recent years. Officially, disbursement of the VDC block grant follows a rather comprehensive local planning process involving multiple consultations and a participatory decision-making body including representatives of political parties, NGOs and disadvantaged groups. The amount of the grant is partially based on performance according to a series of minimum conditions and performance measures, and a certain percentage of the budget is to be set aside for disadvantaged groups, capacity building, etc. The process and criteria are outlined in comprehensive grant mobilisation guidelines and manuals provided by the Ministry and the multi-donor programme that contributes to the VDC grant.[6] However, as in many other

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5   Interview (10 March 2012a).
6   See http://lgcdp.gov.np/home/policies_guideline.php

contexts (Cameron, 2009), in practice, local governments make compromises in how the budget is spent and favour infrastructure investments over other options.

In Kamthola, compromising budget allocation rules is a widespread practice: '[I]t is difficult to work exactly as per the given title. Sometimes we are compelled to change the title due to its impracticability.'[7] An often-cited example, regarding compromising rules, concerns funding of teachers' salaries. Budgets allocated from the Department of Education are never enough to cover the costs of local public schools and thus contributions are often made from local sources, such as forest user groups. However, a ban on timber harvesting and sales has restricted forest user groups' income-generating activities and thus their ability to contribute to schools' budgets. The elimination of this funding source put increased pressure on the VDC budget.

According to the guidelines governing the expenditure of the block grant allocated to VDCs by the central government, contributions from the grant can be made to paying teachers' salaries (in addition to the budget allocated by the Ministry of Education) under certain conditions and with a ceiling on the amount that can be spent. However, this amount is often substantially exceeded by manipulating records (Inlogos, 2009, 27). People feel that education is a priority, and teachers and principals are effective lobbyists, so a compromise is found. However, the paperwork has to be done correctly, so people dig in a field (for example) and everyone consents to documenting it as 'development work'. The funds allocated for this development work can then be spent on teachers' salaries or other investments.

Compromise among local authority holders: 'We have to gain consensus anyhow, we cannot keep arguing'[8]

Not only are there compromises in transforming policy into practice in a top-down sense, there are also compromises that need to be made among different authority claimants at the point of implementation. In these contexts, 'making things work' is not only interpreting policy guidelines in a practicable way, it is ensuring that other local actors are in agreement, or at least agree not to interfere. The policies, rules and regulations of the state which state actors attempt to implement in a compromised way have to find a compromise on their actual room to manoeuvre with respect to the policies, rules and regulations that other actors are trying to implement. It is this room for manoeuvring that makes our case particularly interesting.

Both the VDC Secretary and the political leaders feel that political decision-making is not the appropriate role for the VDC Secretary, particularly because he is not a local person, and thus they feel his role should be limited even though he

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7   Interview (17 March 2012a).
8   Interview (17 March 2012a).

presently holds all the authority of local government (on paper). The VDC Secretary lamented his implication in political decision-making, that it is too much work in addition to his 'regular' job and the situation now approaches a 'world record' where bureaucrats have to deal with the pressures of political issues. No matter what he does he will be criticised: '[I]t is difficult to implement the guidelines. The community has different demands and expectations. This year we tried to follow maximum 70 per cent of the guidelines and in doing so I was criticized by the whole community.'[9] The political leaders for their part felt that the VDC Secretary should not have his own opinion but rather wait for the politicians to find a workable local agreement, and then just support that.

However, this view that state representatives should not have any voice was not unanimously supported. After observing the officer in charge of the police post at various seemingly non-police-related meetings, we asked him why he attended so many meetings. He replied 'when there is such a meeting invitation letters are sent to all government offices, including the police and the post office […] *We should have the right to speak and to observe things*'[10] (emphasis added). Another employee of the state, the principal of the high school, is a highly respected person and was often requested to give his opinion on a wide range of local issues. These are two interesting cases of actors who do not officially have local government authority but claim it or are granted it on the basis of their function, socially respected status and education.

Among the political leaders themselves, compromise is important because everyone has to be on board with the decision. If someone does not agree then there is a risk that he will create hurdles for implementing the decision. By agreeing to the decision all the leaders are also made responsible for it and a certain check and balance is ensured in that they monitor each other quite closely. They emphasise that this is the situation at the moment because there is no elected body; therefore, no political party has the authority or the mandate to implement their own programme. In the interim they have to find ways of working together, even if this is a tiresome process.

Power issues are also quite evident in this process. For example, discussions continue until there is a consensus. It is not a matter of majority voting, but that one dissenting opinion can keep the decision-making process going until that person is persuaded to change his mind or drop his objection. This was explained to us with the following logic: 'If everyone gives consent the process comes to an end. No one can work in an individual way. If there would be an elected body it would be different. But since it is not there, everyone's consensus is important.'[11]

This process is particularly important and highly contested when it comes to selecting the chairpersons for the different user committees associated with devel-

9   Interview (17 March 2012b).
10   Interview (23 November 2011).
11   Interview (10 November 2011).

opment interventions. These posts are very important because that leader can then claim credit for all the benefits of the project. One of the more tense encounters we witnessed was the attempt to select a leader for one such committee. The discussions took place all day, with various small discussion groups forming and re-forming in a central field as consensus was sought. In the end it was proposed to go for an election but as one party, the Maoists, had mobilised more people to attend the meeting, the others faced certain defeat. Rather than having an election they therefore compromised on the Maoists taking the leadership of this committee while the other positions were split between the other two parties.

The chairpersonship of a committee of beneficiaries of a government-sponsored drinking water committee was similarly highly contested. In this case as well, the notion of voting was rejected. As a failed candidate for chairperson explained: '[I]t would be difficult to work later if I became the chairperson by voting. I might not have the support of the others.'[12] However, after some months of negotiations failed to reach a compromise on the chairperson, and the failure of these negotiations was holding up the implementation of the project, it was decided to select one of the two remaining candidates at random. This solution – to choose by drawing a name from a hat – at least seemed to have reached consensus.

The limits of compromise: 'Those who are not good at speaking, they are obviously dominated by those who can speak well'[13]

Although compromise is widespread, as we have outlined so far, it is also limited in terms of who can participate and in the extent to which it is politically attractive. Not everyone gets to participate in compromise, and you have to have a certain power and a certain voice in order to gain access (see Roy, 2013, for alternative strategies). This was most frequently evoked in reference to getting a share of the VDC budget, or in discussing how the budget for disadvantaged groups has been mis/alternatively used. Everyone seemed to be clear that the main local development planning and budget decisions were taken behind closed doors with only some 'big people' in attendance, and that many of the decisions had been taken even before the meeting itself. Public discussion was just a formality. Thus, compromise is something in which only some people can participate – compromise is among local authorities and not necessarily between politicians and citizens. It might bind the political actors together around a common decision, but it does not make them accountable to local people. In the absence of elections, there are few mechanisms by which politicians are accountable to other citizens for their compromises.

12   Interview (5 March 2013).
13   Interview (14 March 2012b).

Furthermore, being active in politics is a time-consuming affair. In this sense also, a role in politics, and thus access to compromise processes, is restricted. Local political leaders have to attend a huge number of meetings, both in their role as political party representative and also in their 'social' role as leader/member/advisor of a number of local committees. When interviewed, most local political leaders gave their occupation as 'social worker' and it was not unusual for them to list six to eight different committees they contributed to. Building social standing and trust through social work was a transparently articulated political profile building strategy (see also Byrne and Klem, forthcoming; Ollieuz, 2011; Ollieuz, 2012).

The second limitation of compromise is that it is not necessarily compatible with political party competition. If all the parties have to come to an agreement then it is difficult for one party to take credit for this or that aspect of the decision. As we indicated above, this was causing some problems for the Maoist leader as his attempt to re-draw the local Maoists as people who follow the rules was incompatible with the kinds of compromises the other political leaders felt it necessary to make. Other such incidents were recounted where one or the other party was accused of trying to take too much credit. In Kamthola there is already a certain amount of jockeying for political position, even with local elections nowhere on the horizon. Already one political leader expressed the view that the All-Party Mechanism was only there to distract the political leaders: '[T]he APM is just a plaything, a way to engage people in something, to divert their attention, to make them happy. I am talking about the system which, in my opinion, is not good.'[14] Most of our respondents indicated that an elected local government would be much preferable to the current situation because then at least someone will have the proper authority to take decisions. This centralisation of authority, from the rather more diffuse authority landscape of today, makes of local elections a highly contested prize.

Towards conclusions: 'we can say that the consensus gives the process its legitimacy'[15]

Consensus is the order of the day for political decision-making in Kamthola, if for no other reason than the practical one that 'we have ample live examples before us that teach us that fighting is not good.'[16] Decisions that are reached by consensus are perceived to be legitimate decisions and they can have authority even when technically illegal (such as the various budget re-distributions). Various committee leadership decisions are taken by consensus to ensure that the person selected has full authority.

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14   Interview (10 March 2012a).
15   Interview (22 November 2011).
16   Interview (15 November 2011).

This points to an interesting paradox: all respondents indicated that consensus is a feature of decision-making at present due to the lack of local elections and that an elected local government would be preferable. And yet, when there is an opportunity to have an election, such as in selecting the chairperson of a user committee, random selection is preferred over election when there is a failure to achieve consensus. In each of the cases mentioned above, the local Maoists had mobilised more of their supporters to attend the meeting and would have done well in an election. However, even when their supporters were the majority of participants, they did not push for an election-based decision.

We suggest that this is because a longer legitimation game is being played. Sybille van den Hove has suggested that strategic manipulation of the process by some actors is a risk in participatory processes. These actors might pretend to 'play the game' of consensus all the while covertly pursuing their particular interests (2006, 13). Such a strategic use of consensus (whether or not it is considered manipulative) seems to be in operation in Kamthola and mobilised particularly evidently by the Maoists. The Maoists seem to have been less interested in using their numerical domination to push through an election, and more interested in demonstrating cooperation and changing perceptions of the Maoists from people who achieved things at the end of a gun to being 'respectable' political actors in the New Nepal. Thus, the local Maoist leaders are strategically using participation in consensus on short-term political decisions as part of a longer term political project of changing perceptions and building a wider base of political support.

Participating in such consensus-building processes is also about presenting oneself as a certain kind of political leader. It was explained to us that it is about being a gentleman instead of a bully:

> These days one needs to be a gentleman to deal with situations. Anger does not work; one must smile in all circumstances. If someone is a capable leader, then people will listen to him […] During the conflict, when the Maoists came, we never showed anger. We tried dealing with them with a smiley face. It is the same today: the process of consensus.[17]

This is also expressed in the difference between a leader who is respected because of his benevolence and one respected out of fear (Ramirez, 2000, 256). The emphasis on behaving in the 'right' way was also expressed to us by the local Maoist leader, who spoke often about the importance of behaving within the law. This issue was particularly relevant for him personally, as he was not a member of the traditional local political elite, and had migrated to Kamthola from a more remote part of the district some years before. Thus the issue of respectability and how it could be produced was particularly salient, even more so than for other political leaders of his (younger) generation.

17   Interview (15 March 2012).

In this sense consensus can be seen as a particular mode of governing, one that transcribes Maoist political action and renders them political actors amongst others. As Aditya Adhikari (2010) suggests, the one positive aspect of the present local government arrangement is that it has served a 'peace-building' function: 'The involvement of the Maoists in these mechanisms has forced them to negotiate on specifics with members of other parties in a somewhat reasonable manner.' And while this may be an actively pursued strategy, as we have suggested, it also places limitations on the kinds of politics that are admissible. Kamthola's Maoist leader's insistence on following the rules also made his participation in some of the consensus-based compromises we have been discussing difficult, as he explained in the quote at the start of the paper. According to Adhikari, from the point of view of the 'mainstream' political parties, a major objective was to 'entrap' the Maoists into the established political culture, the rules of which they assumed the Maoists would be unfamiliar with (2012, 268). Achieving the transformation from rebel to respectable politician while avoiding overt co-optation by the existing political establishment is a serious and potentially compromising challenge for Maoists across the country, including in Kamthola.

This dynamic is somewhat similar for the VDC Secretary who is often caught between his job description (that started at stamping papers and has been expanded into being responsible for local government) and local realities. Having been put in charge of the VDC ad-interim by the Ministry of Federal Affairs and Local Development, he laments being mixed up with so much politics. However, bolstered by consensus-based claims to authority, he goes along with a number of modifications to local development planning rules. He relies on consensus in the short term to get things done, thus contributing to his reputation as an effective VDC Secretary (a distinction that is important to him). However, in the longer term this acquiescence to consensus-based modifications of the rules could prove compromising to potential future attempts to institute a more formalised 'rule-based' system of local government.

In Kamthola, the process of consensus-building has created a structure in which local politicians are able to work together and also a mechanism through which decisions can be legitimated. By consciously setting aside the divisiveness of the decade-long civil conflict and of politics as usual, political leaders in Kamthola have been able to get on with the everyday business of government, to the extent that it is considered a model VDC in the district. The ubiquity of smiley-faces alluded to above certainly hides contentious issues and perhaps maintains a note of falseness in political relations. Our analysis should not neglect the possibility that what might appear as consensus is actually a silencing of opposition maintained by fear, although this seems not to be the case in Kamthola.

This is a political context in which the 'rules of the game' were both contested and not resolved by the decade-long civil war, and are again being contested and not resolved in the process of re-constituting the post-war state. In this sense we suggest

that consensus can also be understood as an abeyance technique that places certain contested issues on hold – essentially some of the root issues of the conflict. However, in a counter-political move, it fosters the civil coexistence necessary for local authority claimants to 'muddle through' the everyday local government decisions that need to be taken. Whether or not this civil coexistence survives future electoral campaigns, and the extent to which consensus will prove to be compromising, will be important subjects for future studies. Future electoral campaigns, and particularly the political practices and discourses of the eventual new democratically legitimated local governments, will shed light on the question of whether consensus is merely an interruption of politics as usual or whether it is really a lasting way of doing politics differently.

In other words, it is not yet clear whether consensus is only a counter-political move *by default*. Is it a kind of coping mechanism for the lack of other (electoral, democratic) ways to legitimate local government? Will the counter-political function of consensus, of creating conditions for 'rough and ready civility', survive when its function of legitimating local government is at least partially taken over by electoral or democratic claims? In a locality such as Kamthola, where consensus has been a highly effective mode of government, such questions introduce a note of ambivalence into the project of conducting elections and opening the door to more openly oppositional forms of politics. The 'ad-interim' emphasis on consensual decision-making in post-war Nepal has been rightly critiqued for its lack of accountability and encouragement of practices of collusion and corruption. Nevertheless, as we have argued here, consensus has played an important role in the production of political possibility following the fear and division of war.

Acknowledgements

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