



News Update from Nepal May 2, 2008

Vote for Change

The results of the Constituent Assembly (CA) election on April 10, 2008 clearly favored the Communist Party of Nepal (CPN-Maoist), giving it a relative majority of seats. It emerged as the single largest party in the country with 220 seats followed by Nepali Congress (NC) with 110, Communist Party of Nepal Unified Marxist-Leninist (CPN-UML) with 103, and Madhesi Jana Adhikar Forum (MJAF) with 52 seats. But that none of the parties hold an absolute majority of 301 seats and even a two-thirds majority of 401 in a 601-member CA offers a coalition government as an inescapable choice. The election was hailed by national and international observers as relatively peaceful. The Election Commission (EC) had issued 60,000 cards for national observers and over 800 for international observers. Nepal's election got international attention as former President of the US Jimmy Carter and Japan's parliamentarian G. Hasimoto said Nepal's election "is largely free and fair." On April 8, Carter said, "I see this election as doing two things basically: the first is ending an armed conflict and the second forming a new republic with an end to the dominating royalty." On April 9, King Gyanendra urged all the adult citizens to exercise their democratic right in a free and fair environment and also expressed satisfaction over the outcome of the election. Re-polling has taken place in 106 polling centers due to violence and electoral fraud and by-elections will be held for five seats as candidates won from two places.

Sixty-one percent of 17,609,408 voters cast their votes to directly elect 240 members through the first-past-the-post system, 335 on a proportional representation (PR) basis and 26 members are to be nominated by the council of ministers. Fifty-four political parties out of the 74 registered in the EC had contested the election under the PR system. Of them, only 25 parties have secured their presence in the CA (see table). The pre-election environment was highly violent-prone due to a security and authority vacuum. A number of factors contributed to the Maoist's victory in the election: it introduced the agenda of the CA, republicanism, secularism, federalism and forward-looking transformation which were followed by other parties, its candidates were highly representative of social, ethnic, gender and age diversity and committed to party organization, ideology and leadership, its electoral campaigns were intense, it negatively projected other parties as comprador class, corrupt and monarchists, mobilized nationalist sentiments to woo supporters of the king and articulated the Indian expansionism and the US imperialism as a threat to Nepal's sovereignty, persuaded Nepalese voters in India to participate in the election, promised social justice, land reforms and emancipation for the downtrodden classes of society and kept its option open saying that in case it is defeated by conspiracy it will wage a peaceful revolt. Voters preferred peace to revolt.

The defection of many leaders of NC, CPN-UML, Rastriya Prajatantra Party (RPP), RPP-Nepal, Rastriya Janashakti Party (RJP) and Nepal Sadbhavana Party (A) to Tarai groups and the emergence of regional parties, such as MJAF, Tarai-Madhesh Loktantrik Party (TMLP), and Sadbhavana Party (SP) eroded the political base of the mainstream parties. They could not even repair their grassroots connection destroyed during the

armed conflict. The defeat of top leaders of NC, CPN –UML, RJP, RPP, RPP-Nepal will, however, provide them with an opportunity to democratize the party leadership and structure, become inclusive of social diversity and people-oriented and abolish hereditary privileges in politics. NC acting president Sushil Koirala and CPN-UML secretary-General Madav Kumar Nepal resigned from their posts due to the electoral defeat of their parties - the NC rejected the resignation while CPN-UML accepted it.

On April 16, the CPN-UML pulled out of government "on moral grounds" but vowed to "work with a sense of responsibility to cooperate with other parties in the days ahead to draft a new constitution" and hinted at joining the government if it is given a respectable position. Premier G.P. Koirala urged CPN-UML to "rethink the decision." NC decided not to quit the government and organized a Central Working Committee meeting on April 24 to assess the party's dismal performance and plan future strategies. It concluded that the party suffered due to the failure of government to put in place an effective security arrangement to ensure free and fair elections.

On April 14, MPRF Coordinator Upendra Yadav asked the Premier to quit in favor of the people's mandate for a new Nepal and expressed readiness to join the government if its demand for a single federal Madhesi state is met. NC and CPN-UML are asking CPN (Maoist) to demilitarize and dissolve its Young Communist League (YCL), return the property it seized from the public, allow safe return to conflict displaced people and implement the peace accord before the government is formed. Meanwhile, they are also floating several options - continuity of the current Koirala-led government, government by consensus, government of two-thirds majority, non-Maoist government or the government of Maoist alone. Premier Koirala has also initiated consultations for a new government under his leadership. But, Maoist leaders are threatening that if CPN (Maoist) is not allowed to lead the government they will organize a peaceful revolt for a fresh mandate. Prachanda and Koirala may come together to remove the King but the stability of the nation rests on a shared future rather than the monopolization of power by a few.

CPN (Moist) strategy

Addressing a cheering crowd in Kathmandu, CPN (Maoist) leader Prachanda said, "The Maoist victory is a mandate for lasting peace, implementation of the democratic republic and rapid economic development." He added that during the transition period his party will work with other parties, work to promote multi-party democracy and maintain special relations with India and China and friendly relations with other countries of the world. The CPN (Maoist) has clearly laid out its political strategy of restructuring state institutions, such as bureaucracy, courts and security forces to integrate its People's Liberation Army (PLA) into the Nepal Army and downsize the security force to 50,000. Outlining the economic strategy CPN (Maoist) leader Dr. Baburam Bhatarai on April 16 said, "Now, we are entering a new era of economic revolution, after nearly accomplishing a political revolution. Our next fight is to wipe out feudalism and promote a capitalist economy - this is the true concept of Marxism." The basic pillars of their economic revolution are: public-private partnership, new tax system, action against corrupt, full industrial policy, new industrial security and foreign investment-friendly approach. On foreign policy CPN (Maoist) leader C.P. Gajurel clearly said that Nepal will maintain friendly relations with all the countries of the world but pursue a policy of "equi-proximity" or equi-distance in the neighborhood. It has revealed its preference to scrap the Peace and Friendship Treaty 1950 and revise the Integrated Mahakali Treaty and regulate the open border between Nepal and India.

Critical Issues

The CA election has changed the political equation in the country, new political forces such as CPN (Maoist) and Madhesi parties have emerged. The representation of youth, Dalits, Madhesis, women and ethnic groups has substantially increased. This requires change in the Interim Constitution to include new political parties and change its provision to remove the prime minister by only two-thirds majority. Article 38 of the Interim Constitution has a provision for a Seven-Party Alliance coalition government until a new constitution is enacted. If consensus formula fails then they can go for a second option of a two-thirds majority. But, for that Maoists would require 301 CA members. Neither the Maoists can gain a two-third majority nor the other parties combined. This requires a politics of compromise to shape the collective future.

On April 15, the Nepal Army reiterated its earlier stance to abide by the directives of any legitimate government but opposed the reintegration of the politically indoctrinated PLA. Prachanda admits that the NA should be democratized and the PLA should be professionalized and they together can be integrated in the Industrial Security Group.

About the monarchy, Maoist leader Dr. Bhattarai said, "The best thing for the king would be to bow out gracefully to pave the way for a democratic republic. In the first meeting of the CA, we will declare the country a republic, and then we will notify the king to leave the palace." But, later he floated the idea of a "cultural king" with some remuneration from the state treasury. The CA shall form a new government which will take a decision about a republic. The CPN (Maoist) and MJAF have preferred a presidential form of government while other parties have preferred a parliamentary form of government, the prime minister serving the executive head of state.

Only CPN (Maoist) has drawn a sketch of the 11 federal and two sub-states on the basis of ethnic composition, geographical contiguity, linguistic base and ethnic viability. It has proposed Seti-Mahakali and Bheri-Karnali federal states on the basis of their geographical suitability while the rest - Magarat, Tharuwan, Tamuwan, Newa, Tamsaling, Kirat, Limbuwan, Kochila and Madhesh - are based on ethnicity. Within the Madhesh autonomous state, three sub-states - Mithila, Bhojpura and Awadh - have also been proposed on a linguistic basis. Other parties have principally agreed on federalism but have not fully developed the federal map of the country and even opposed ethnicity or race-based federalism. Jana Morcha Nepal has opposed the concept of federalism and preferred a unitary state with a substantial devolution of power.

On April 17, MJAF coordinator Yadav urged the Maoist to make their stance clear on the issue of autonomous Madhesh, a federal democratic republic, a proportional representation of Madhesis, Dalits, indigenous people and nationalities in all structures of governance. As a party strongly rooted in cultural identity and strategic geography (Tarai is Nepal's major supplier of essential goods) of the nation it also fears Maoists affiliation with various communist organizations and redistribution of lands. Two-dozen armed groups are acting as spoilers of democracy and the peace process. All political parties of Tarai want a peaceful engagement of the government with these armed non-state groups fighting for different goals - autonomy, cultural and territorial identity and separatism and Hindus for a Hindu state. The solution of this problem lies in the constructive cooperation of Madhesi parties to the government.

On April 3, the government has formed a Peace and Conflict Management Committee under the co-convenorship of Daman N. Dhungana and Padma R. Tuladher to assist in the peace processes and the CA elections. Its main objective is to support the government in the peace process and conflict management in order to attain lasting peace and to conduct the CA comfortably. The committee monitors and supervises issues related to the peace process, helps manage conflicts at the local and regional levels and implements the peace accord. It supports the Peace and Reconstruction Ministry and local mechanism related to peace, gives them suggestions and collaborates with the government's inter-agency tasks related to peace, stability and CA elections.

Foreign Policy

In the first week of April a delegation of the German parliament arrived in Nepal on a five-day official visit to discuss with the government and political leaders of major parties about the German assistance for Nepal's development and peace process. The five-member delegation led by Thilo Hoppe, chairman of the German parliament's Committee on Economic Cooperation and Development, assured that Germany's development assistance to Nepal would continue. He remarked, "We know that Nepal has a special policy on affairs relating to China but it must also concurrently respect the Charters and Covenants it has already signed in the past. The Tibetan refugees in Nepal however must resort to non-violent methods of their protest if they want to get international support for their cause."

On April 2, China urged Nepal to check on "Tibetan illegal political activities." Chinese Ambassador Zeng Xiangling alleged that Tibetan demonstrations were fuelled by "foreign forces." He added, "We hope the government of Nepal adheres to a one-China policy and does not allow anti-China forces here." Premier Koirala assured him that he will not allow any anti-China activities on Nepali soil. On April 11, Chinese Ambassador to Nepal wrote an official letter to the French Ambassador in Nepal saying the French parliamentarians' visit to the Dalai Lama's office in Nepal is "overt support to the separatist activities of Tibet Independence and a gross interference in China's internal affairs. We express strong protest against that."

On April 13, Indian envoy to Nepal Shiva S. Mukherjee said, "We will accept the mandate of Nepalis. India will work with whichever party forms the government." The Indian government has also agreed to review the treaties with Nepal. India provided \$ 5.14 million aid to Nepal's various projects. On April 14, Indian Foreign Minister Pranab Mukherjee said that India has taken the Maoist victory in the CA election as a positive development and showed willingness to visit Nepal. On April 15, the spokesman at the US Department of State, Sean McCormack, congratulating the Nepali people for holding the historic CA election said, "Although there was considerable violence and intimidation during the pre-election period and some instances of voting irregularities on the Election Day, Nepali voters were able to cast their ballots peacefully in most districts." The US government agreed to continue its development assistance but will observe the behavior of the Maoist-led government before withdrawing the terrorist tag on them. It is seeking "legitimate reconciliation and political reintegration" of Maoists in the Nepalese society. British government provided \$14m aid for peace and human rights.

Table: Seats and votes won by Parties in CA elections

Political Parties	Vote Scored PR	% of Vote in PR	Seats in PR	Seat through FPTP	Total Seats
CPN (Maoist)	3144204	29.28	100	120	220
Nepali Congress	2269883	21.14	73	37	110
CPN-UML	2183370	20.33	70	33	103
Madhesi Jana Adhikar Forum	678327	6.32	22	30	52
Tarai Madhesh Loktantrik Party	338930	3.16	11	9	20
Sadbhavana Party	167517	1.56	5	4	9
Rastriya Prajatantra Party	263431	2.45	8		8
Janamorcha Nepal	164381	1.53	5	2	7
CPN-ML	243545	2.27	8		8
CPN-United	154968	1.44	5		5
Nepal Majdoor Kisan Party	74089	0.69	2	2	4
Rastriya Janamorcha	106224	0.99	3	1	4
RPP-Nepal	110519	1.03	4		4
Rastriya Janashakti Party	102147	0.95	3		3
Rastriya Janamukti Party	53910	0.50	2		2
Nepal Sadbhavana Party (A)	55671	0.52	2		2
Nepali Janata Dal	48990	0.46	2		2
Sanghiya Loktantrik Rastriya Manch	71958	0.67	2		2
Nepal Pariwar Dal	23512	0.22	1		1
Nepa: Rastriya Party	37757	0.35	1		1
Samajbadi Parjatantrik Janata Party Nepal	35752	0.33	1		1
Dalit Janajati Party	40348	0.38	1		1
Churebhavar Rastriya Ekta Party Nepal	28575	0.27	1		1
CPN-Unified	48600	0.45	2		2
Nepal Loktantrik Samajbadi Dal	25022	0.23	1		1
Total votes cast	10739078	100.00	335	240	573

Source: Election Commission

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