



Vivekananda International Foundation

# Nepal's March Towards Constitutional Democracy

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## About The Authors



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## **Chapter I : Background of Experiment with Democracy**

On February 15, 2018 Nepal completed the process of transition to a Constitutional Democratic Secular Republic with the installation of KP Sharma Oli as the first Prime Minister of Nepal. He is elected under the provisions of the new Constitution that was promulgated earlier on September 20, 2015. Nepal's march towards this historic development was neither quick nor event free. However, it must be said to the credit of the Nepali people and its political leadership that time and again they worked hard, evolved compromises and boldly faced the seemingly insurmountable challenges to reach the final destination.

Soon thereafter, the new government further progressed on this journey in terms of appointment of the Cabinet, elections of the new President, Vice-President, Speaker and other constitutional entities at the centre and in the provinces. It is hoped that the new government at all the levels, local, provincial and federal, will become fully functional and start the process of serious governance with the view to fulfilling the aspirations of the common people and taking the country forward in its march towards nation building through economic progress.

To assess the full implications of this monumental development in the country's march towards constitutional democracy, it would be appropriate to briefly glance through some of the important milestones in the process of transition. The story begins with the historic decision of then King Mahendra to issue a new Constitution in 1959 and holding the first-ever democratic elections to a National Assembly. A popularly elected government of Nepali Congress (NC) was formed under leadership of the tallest democratic leader of the time, Bishweshwar Prasad Koirala (BP). But, the euphoria was short-lived since the all-powerful monarch was not yet ready to relinquish his hold or share the state power structure with the elected representatives of the people. Soon, King Mahendra, declared the parliamentary experience a failure and dismissed the government of 'BP' in 1960.<sup>1</sup>

The King then decided to go for a party-less Panchayat System to govern Nepal under a new Constitution promulgated on December 16, 1962. Mahendra considered the new system a democratic form of governance closer to the Nepali traditions. Starting from the grass-root level (Gram Panchayat) to the National Parliament (Rashtriya Panchayat), the system constitutionalised the absolute power of the Monarch as the sole authority over all governmental in-

stitutions. The period was marked by ruthless arrests of the political activists and democratic supporters to quell the rising aspirations of the people. This trend continued for nearly 30 years of party-less Panchayat System, first under Mahendra and later under his successor, King Birendra.<sup>2</sup> In a national referendum in 1980, called to decide on the form of government, either through the continuation of the Panchayat System with democratic reforms or with the establishment of a multi-party system, the votes went in favour of the Panchayat System.<sup>3</sup>

In the face of growing wide-spread resentment against the authoritarian regime, under pressure from the pro-democracy movement, Birendra lifted the ban on political parties in 1990. The Nepali Congress with the support of 'Alliance of the leftist parties' launched a Jana-Andolan, which forced the Monarch to duly accept the constitutional reforms and establish multiparty democracy.<sup>4</sup> In May 1991, Nepal held its first parliamentary elections which were won by the Nepali Congress (110 of the 205 seats). The party formed the government under the leadership of BP's brother, veteran Congressman, G.P. Koirala.

### **The Maoist Movement**

This experiment too was short-lived. In February 1996, one of the Maoist parties, in a bid to replace the parliamentary monarchy system with a people's democratic republic, started the Maoist revolutionary strategy better known as "people's war" which led to the Nepal Civil War. Dr. Baburam Bhattarai and Pushpa Kamal Dahal 'Prachanda' were the key actors of the people's war. Soon the Maoists extended their area of influence/control to a large part of the country. The rebellion was stepped up after the Royal Massacre at the Narayanhiti Palace in 2001.<sup>5</sup>

In 2002, the Parliament was dissolved and fresh elections were called amidst political confrontation over extending the state of emergency. In 2003, the rebels and the government declared truce though the Maoist rebels pulled out of the talks a year later. In 2005, King Gyanendra assumed complete power and direct control to crush the Maoist insurgency. After wide-spread protests, power was handed over to the NC leader G. P. Koirala who was sworn in as the Prime Minister. A peace deal was brokered between the Maoists and the Government.

Another major development during this time was the Madhesi uprising which demanded greater share of power and inclusion in the federal set up.

## **Constituent Assembly and Drafting of New Constitution**

The next water-shed moment in Nepal's march towards constitutional democracy came in 2008. Elections were held to the historic Constituent Assembly (CA-1) wherein the Maoists emerged as the single largest political party<sup>6</sup> Monarchy was abolished. Ram Baran Yadav and Pushpa Kamal Dahal 'Prachanda', respectively became the President and the Prime Minister of Nepal.

The Constituent Assembly was formed primarily to draft a democratic constitution. Considerable ground was covered by the various committees, however, the CA-1 failed to deliver the same in its tenure of four years that was twice extended. Faulty discourses, crisis of constitutionalism and democratic deficit brought its downfall. Vested interests, prejudices, divided ideologies and greed for power were some of the main reasons for its failure.<sup>7</sup> The CA-1, it is alleged, spent more time in forming coalitions and bringing down governments with Prachanda being replaced as the prime minister by the UML leader Madhav Nepal in 2009, and Jhalnath Khanal in 2011. He too had to resign in favour of Maoist leader Baburam Bhattarai, who ultimately dissolved the CA-1 in 2012 and called for fresh elections to form a new CA to complete the process of constitution drafting.

In 2013, Chief Justice Khil Raj Regmi was appointed the head of the interim Unity Government which conducted the election to the second Constituent Assembly (CA-2) in November 2013. This time around, Nepali Congress emerged as the largest party winning 196 of the 575 elected seats followed by the Communist Party of Nepal – United Maoist Leninist, or CPN-UML, with the Maoists relegated to the third place. The UML leaders again contrived to lead the government but eventually in 2014, Nepali Congress's Sushil Koirala was appointed the Prime Minister after securing coalition support. Finally, in 2015, the new Constitution was unveiled and promulgated in September, 2015.<sup>8</sup>

Nepalese peoples' long struggle against a variety of odds, for a democratic constitution, finally succeeded with the adoption of such a constitution by an elected constituent assembly in September 2015. The Constitution received overwhelming approval, despite being an imperfect and contested document.

## Chapter II : Elections under the New Constitution

### Local Bodies Elections

The electoral time-table defined under the new Constitution was followed thereafter, despite protests and demonstrations on contentious issues. The new constitution provided for elections to the Local Bodies, Provincial Assemblies and for the two houses of Federal Parliament and National Assembly. These were held over a 9-month time frame from May 2017 to January 2018 and its results are discussed in the succeeding paragraphs.

Elections to the 753 local bodies units of Village Councils and Municipalities were held in the different provinces in three phases on May 14, June 28 and September 18 in 2017.

### Phase-I

The first phase of the local elections was held on May 14, 2017 for 282 of 283 local seats in 34 districts in Provinces 3, 4 & 6. Voting was peaceful and enthusiastic with massive participation. Rasuwa saw the highest turnout at 82% followed by Bhaktapur, Gorkha and Dolpa at over 80%. An estimated 4,956,925 registered voters participated in the first phase of election. The Election Commission put the voters turn out at over 73%.<sup>9</sup>

Political Parties	Seats Won	Percentage
CPN-UML	125	44
NC	104	37
CPN-MC	46	16
Other	7	3
Total	282	100



*Demarcation of Provinces – Nepal*

The CPN-UML and the NC grabbed the top positions followed by the CPN-Maoist Centre (CPN-MC) as a distant third. Political leaders and stalwarts described the elections as “nothing short of a historical success and a step towards the implementation of the new Constitution”. All leaders came on a common platform and urged all concerned to resolve contentious issues through mutual dialogue and cooperation.

### **Political Developments before the Second and Third Phases**

Before the second phase of the local bodies' elections, Prime Minister Prachanda, respecting his agreement with the NC, tendered his resignation on May 24, 2017, paving way for the NC leader Sher Bahadur Deuba to head the government. The popular notion was that in Nepal politics nothing really changed except the occupant of the prime ministerial chair was reinforced once again. In this background, willingness of the Maoist Chief Prachanda to step down from office in deference to an agreement reached at the time he took over was therefore, extremely unusual.<sup>10</sup> It may be mentioned here that even in this instance the CPN-UML had requested Prachanda to hand over power to the NC only after the completion of the second phase of local level elections slated for June 28. Prachanda's term will be noted for a number of accomplishments, the biggest being the successful holding of the first phase of the local level elections with a credible 73% voter turnout. This, indeed, set the platform for the smooth conduct of the electoral exercise with high turn outs in the second round of election in the Tarai. Subsequently, the trend continued in the Provincial and Federal level elections that followed.

Nepal's relation with India hit an all-time low due to various developments during the tenure of his predecessor K P Oli from October 2015 to August 2016 with anti-India demonstrations and the Madhesi blockade. During his key visit to India, Prachanda sorted out most of the irritants and assured New Delhi of protecting the Indian interests in Nepal.<sup>1</sup> He also tried his best to deliver on his promise of political inclusion for all citizens by amending the Constitution. The fact that he could not fully execute this agenda was mostly on account of the role and attitude of the main opposition party, the CPN-UML.

Prime Minister Sher Bahadur Deuba's priorities during his tenure as the Prime Minister (May 2017 to February 2018) included holding of the remaining two phases of the local level elections, the provincial polls followed by election to the Parliament and the National Assembly, all before the January

2018 deadline. He also has the responsibility of securing endorsement to the Constitutional Amendment Bill that would address the demands and aspirations of the agitating Tarai-based citizens.<sup>12</sup> Conducting the second level of elections was a tough task for the new Prime Minister who acknowledged his areas of concerns as developing effective local governance by empowering local bodies, expediting reconstruction of the earthquake disaster, attracting the foreign and national investors in the economic development of Nepal and lastly, completing the transitional justice procedure and the successful handling of the peace process. Deuba did his bit by amending the local level elections law on June 8 to accommodate the non-participating parties of Madhes. However, the disenchanted RJP-N leaders stated that “This amendment is not sufficient for our participation because it was not our major condition”. It may be recalled that an amendment to the Constitution to address the concerns of the Madhesis had been listed in the Parliament. The desired amendment proposed to re-delineate the borders of Province 5 and add a number of local government units in proportion to the population in Southern plains.

The unyielding stance of the main opposition the CPN-UML made the meeting of numbers of parliamentarian required for passing the amendment almost impossible. CPN-UML leader KP Sharma Oli insisted that government should not increase the number of local levels in Tarai. Yet, on May 22, government decided to increase 22 local level units in Tarai which could have brought in RJP-N to participate in the polls. If all other demands were met by the government, the *Gathbandhan* leaders could have sought a political agreement from leaders of ruling CPN-MC and NC ensuring an amendment to the Constitution before the polls.<sup>13</sup>

### **Second Phase and Third Phase**

Despite all these problems and impediments, Deuba Government went ahead with the second and third phases of local level elections on June 28 in 28 of the 35 districts in Provinces 1, 5 and 7. Elections in Province 2 were deferred to the third phase of polling held on September 18. This time around, polling was marred by sporadic disturbances. Severe monsoon also caused disruption in a few areas. The Election Commission estimated 70.50% voter turnout in the second phase, slightly less than in the previous phase. The turnout in the Madhesi dominant areas was not that high. The third phase on September 18 attracted over 73% voter turnout. Result for all the 334 local units that went to the polls in the second phase are as follows:-



Political Parties	Seats Won
CPN-UML	151
Nepali Congress	122
Maoist Kendra	38
Others	23

As can be seen from the above, even in the second phase, the CPN-UML candidates stole a clear march over the NC by winning 151 units as against the latter's 122. Similarly, as in the first phase, CPN-MC again performed poorly by winning only 38 local units seats to remain at the third position. Other fringe parties and independents made up the rest by claiming 23 units.<sup>14</sup>

The results in the third phase are tabulated below:-

Political Parties	Seats Won
CPN-UML	18
Nepali Congress	40
Maoist Kendra	21
Others	(SSF-26, RJP-N 25, others 6)

Over all, the performance of the contesting parties over all the three phases of the local level elections came out as under:-

Political Parties	Seats Won	Percentage
CPN-UML	294	39
NC	266	35
CPN-MC	107	14
RJPN	24	3
FSFN	27	4
Others*	35	5
Total	753	100

## **Analysis of the Local Level Elections**

The Nepalese people were justifiably jubilant at the success of the completion of the local level elections. There was nationwide euphoria as it was a landmark development in Nepal's quest for sustainable transition to parliamentary democracy. It was largely peaceful with significant voter turnout. It was indeed a watershed moment in the recent political history of Nepal as it firmly marked an end to the decade long armed conflict followed by another decade of political uncertainty. Finally, the nation gave itself a Constitution in end-2015, laying down the basic foundation around which the country can hope to progress in its quest for the establishment of a true constitutional democratic set up, laying down the laws of land with core values of an inclusive democracy, rule of law, secularism and pluralism.

Before analysing the political significance of these elections, it would be essential to study the political indicators which came up in the three phases of polling.

Taken together, the result of the three phases underscored the emergence of CPN-UML as the leading political entity, winning 294 local bodies out of the 753 units that were on offer, leaving the grand old party (NC) behind at 266 units. The third important party, CPN-MC led by Prachanda, came a poor third, winning only 107 local body seats. The Rashtriya Prajatantra Party ended up with a meagre five. Analysts believe that the CPN-UML out-scored the others, primarily due its better organisational efforts, though the strong anti-India platform adopted by UML-led coalition government of K P Sharma Oli, did significantly contribute to its success.

It may be mentioned here that most of the Madhes-based parties had boycotted the local level elections on account of non-fulfilment of their demands relating to changes in the Constitution. However, Upendra Yadav-led Federal Socialist Forum Nepal (FSFN) participated in the local level elections. Mahanta Thakur-led Rashtriya Janata Party-Nepal (RJP-N) boycotted the first two phases, but joined in the third phase, possibly due to internal pressure of party workers. The FSFN and the RJP-N made a better showing in the third phase. Not that much was expected of it yet, for record, Baburam Bhattarai's, Naya Shakti Party, failed to make any impact.

A firm backing of people's faith in the democratic process was the visible take-away from the local level elections. This augured well for Nepal's new experiment and the peoples' march towards the establishment of Constitu-

tional democracy. Despite calls for electoral boycott, voters turned out in very large number to cast their votes. This marked a major shift in the mindset of the electorate. The poll process also indicated that Nepal had moved ahead from the Peace Process that started in 2006 with the people expressing tremendous desire for fast and major transformation in the political dynamics of the country. However, a section of political class and the makers of public opinion are of the view that the significant high voter turnout should not be necessarily interpreted as wide acceptance of the Constitution in its existing form. Tarai still continues to reel under severe discontent. Despite anger, people came out to vote to reiterate their commitment to the democratic process. Indeed, the political parties will have to continue to find ways and means to address the demands and aspirations of the people who justifiably feel 'excluded' and denied a fair deal.

Another major take-away from the elections was the near exemplary role played by the government officials and institutions notably the Election Commission, the security forces, political parties, journalists, observers and the volunteers for successfully conducting the polls in a peaceful manner. One aspect of the security management that met with criticism was the deployment of the army which did not go down well with at least a section of the civil society.<sup>15</sup>

Apart from these, the major aspect of analysis of the local level elections was the political messages that the electorate sent out to the main political parties. Obviously, the then main opposition party CPN-UML had a lot to cheer about<sup>16</sup> It had silently and consistently made best use of its political manipulations through the tenures of CA-1 and CA-2 to improve its electoral support base from number four position in CA-1 to second largest party in CA-2 and now as the largest group in the local level elections. And while so doing, it widened its electoral reach across the hill districts and the plains alike. In the earlier stages, the party gained largely by strengthening its cadre base but in the latest round, it additionally cashed upon the massive 'nationalist' (read anti-India) agenda it had set in motion during the tenure of K P Sharma Oli's prime ministership. This worked at the tactical level but will remain, in the long run a questionable strategy.

The election results should have been an eye opener for both the NC and the Maoist. While internal strife within the Maoists with the departure of Baburam Bhattarai and the intractable attitude of the hardliners like Mohan Baidya could be significant factors that could be addressed only through negotiated unification efforts, what the Maoists needed to introspect upon seriously

was the growing disconnect between its policies and the peoples aspirations and expectations. This they clearly failed to address.

Similarly, the NC too should have initiated remedial measures to work on the perennial factional feud it suffered at virtually all levels. In their case the divide was hardly driven by ideological differences: it was purely personal-ity based factionalism. They miserably failed to realise and address the infirmity that stored more surprises for them in the Provincial and Parliamentary elections. They also failed to provide dynamic, purposeful and action driven leadership during the 16-month tenure of Sushil Koirala's prime ministership (February 2014 to October 2015).

The local level election results had a message for the Madhes based party as well. That message actually emanated from the fact that these parties had by combining their political might, emerged as a significant political grouping in the CA-1 elections, together contributing more than 140 elected representatives. In practical terms, as a group they were the 'kingmakers' in CA-1, and every coalition configuration had to look for their support to form the government in Kathmandu. This came about only on account of the extent of political unity then worked out by their leaders.

That level of unity could not be maintained in the elections to the second CA and their combined numerical strength came down drastically; and with that their political bargaining clout declined. The decision of some of the Madhes based parties to contest the elections at late stage and of other to stay away from it, damaged their chances to show their effective political strength in dominant districts of the Tarai. As a result, the total number of elected Madhesi representatives in the two phases of the local level polls, was almost infinitesimal/insignificant. There was an obvious need for the Madhes-based parties to re-evaluate their strategy for the provincial and national level election which they failed to do.

## **Chapter-III: Provincial and Parliamentary Elections**

### **Formation of Left Alliance and Democratic Alliance**

The stage was now set for the final round of elections to the Provincial and Parliamentary elections. However, even before this round, certain important political developments took place that had major implications for the final results. These were by way of alliances, re-alliances and counter-alliances.

Even as the major political parties were still in the midst of counting their gains and losses in the three-phased elections to the local level units with a view to planning their respective strategies for the crucial provincial and national elections due on November 26 and December 7, 2017, a major development took place on October 3, 2017. The two major leftist parties, K P Sharma Oli-led CPN-UML and the Pushpa Kamal Dahal 'Prachanda'-led CPN-MC, along with a smaller group, the Naya Shakti Party formed by former Maoist leader and Prime Minister Baburam Bhattarai, announced a broad-based electoral alliance ahead of the upcoming provincial and federal polls.<sup>17</sup> What was surprising that the CPN-MC did this while still being a part of the ruling coalition led by Nepali Congress (NC) leader, Prime Minister Deuba. The Left Party leaders also announced their decision to not only contest the upcoming elections in alliance, but after the polls, merge into a unified leftist and progressive political movement. The alliance leaders signed an agreement incorporating the following:-

- UML and Maoist Centre to forge an electoral alliance which was to share seats in Federal Parliament and Provincial Assemblies in a 60:40 ratio;
- To prepare a joint manifesto for the upcoming elections for the upcoming Provincial and Federal elections;
- To hold discussions on the party issues internally and not to make derogative statements against each other in public and
- To call on other political forces to join the Left Alliance.<sup>18</sup>

Through this move, the Alliance expected to gain 2/3rd majority in the provincial and federal polls and thereby form a government that would promote nationality, uphold sovereignty and maintain balanced relations with both the neighbours and the international community. As regards the post-elections merger plans, the party leaders decided to form a unification coordination com-

mittee with four members from the UML, three from the MC and one from Naya Shakti Party-Nepal. The committee was to prepare a detailed blueprint and plan; this, however, could not materialise and Bhattarai left the alliance. The leaders were also to form a document drafting committee to prepare the party's policy and statute, and to complete the unification process after the parliamentary and provincial elections.<sup>19</sup>

The announcement was hailed as a milestone in the recent Nepali politics and the beginning of a process of progressive alliance to unite all leftist and democratic forces. The Alliance believed that the Nepalese people aspire for this kind of unity which is the dire need of the country. Their subsequent landslide victory in the provincial and parliament election strengthened their belief. Obviously surprised and shaken up by the sudden development, particularly the perceived 'political back-stabbing' by the coalition partner, (CPN-MC), NC leaders demanded action to sack the CPN-MC ministers from the coalition cabinet. This did not happen.

What however, did happen was a political move on the part of the NC to announce the formation of a counter-alliance called the Democratic Alliance bringing together Nepali Congress and six Madhesi parties, Rashtriya Janata Party-Nepal (RJP-N), Rashtriya Prajatantrik Party (RPP) led by Kamal Thapa, Rashtriya Prajatantra Party-Nepal (RPP-N) led by Pashupati Shanker Rana, Rashtriya Janata Party of Mahanta Thakur and the Federal Socialist Forum led by Upendra Yadav.

### **Results of Parliamentary (HoR) Elections**

In this background, elections to the House of Representatives (HoR) and the seven Provincial Assemblies were held in two phases on November 26 and December 7, 2017. At stake were a total of 275 seats of the HoR (165 under the First Past the Post and 110 under the Proportional Representation systems) and 550 seats in the seven Provinces (330 under FPTP and 220 under PR systems).

Counting of the votes under the FPTP system to 165 House of Representatives (HoR) and 330 Provincial Assembly seats were concluded on December 13, 2017 with CPN-UML once again emerging as the single largest party both in the HoR and in the Provinces, winning 80 HoR seats and 168 Provincial Assembly seats. Its ally, CPN-MC bagged 36 HoR seats and 73 PA seats. The Democratic Alliance was left far behind with NC managing to get

only 23 HoR and 41 PA seats under the 'First Past the Post' (FPTP) system. The FPTP results are tabulated below:-

**Seats won under FPTP in Federal Parliament and Provincial Assemblies**

Political Parties	Federal Parliament	Percentage	Provincial Assemblies	Percentage
CPN-UML	80	48	168	51
CPN-MC	36	22	73	22
NC	23	14	41	12
RJPN	11	7	16	5
FSFN	10	6	24	7
Others*	5	3	8	3
Total	165	100	330	100

\*Others include RPP, Naya Shakti, Janmorcha, Nepal Majdur Kisan and Independent.

(Source: Observer Research Foundation)<sup>20</sup>

Subsequently, with the results of the PR seats won by the parties announced by the EC, the final party position became 174 in favour of the Left Alliance in a house of 275 as in the table below:-

**Final Seat Count of political parties in the HoR**

Political Parties	Number of FPTP Seats	Number of PR Seats	Total Seats	Percentage
CPN-UML	80	41	121	44
CPN-MC	36	17	53	19
NC	23	40	63	23
RJPN	11	6	17	6
FSFN	10	6	16	6
Others*	5	-	5	2
Total	165	110	275	100

\*Others include RPP, Naya Shakti, Janmorcha, Nepal Majdur Kisan and Independent.

(Source: Observer Research Foundation)<sup>21</sup>

With the Left Alliance sweeping the elections, winning 116 of 165 FPTP seats for the House of Representatives (HoR) and 58 out the 110 seats under

the PR system, the Alliance partners quickly started talks on formation of Federal and provincial governments.

### **Provincial Assembly Elections**

In the Provincial Assembly elections as well, by and large, the same trend of Left Alliance dominance continued as reflected in the tables below:-

**Provincial Assembly Results under FPTP and PR system**

<b>Political Parties</b>	<b>FPTP SEATS</b>	<b>PR SEATS</b>	<b>TOTAL</b>	<b>Percentage</b>
CPN-UML	167	75	242	44
CPN-MC	74	35	109	20
NC	41	72	113	21
FSFN	24	13	37	07
RJPN	16	12	28	05
Others*	8	13	21	03
Total	330	220	550	100

\*Others include Bibeksheel Sajha Party, RPP, Naya Shakti Party, Rastriya Janamorcha, Nepal Majdoor Kisan Party, Rastriy Prajatantra Party (Democratic), Nepal Sanghiya Samajvadi Party, Sanghiya Loktantrik Rastriya Manch and Independent.

*(Source: Observer Research Foundation)<sup>22</sup>*

In the provincial assemblies, of the 330 seats under FPTP and 220 seats under PR system, the CPN-UML won 44 per cent seats; followed by NC that won 21 per cent seats, the CPN-MC (20 per cent), the FSFN (7 per cent), the RJPN (5 per cent) and the others, (3 per cent) (Table No. 4). Thus, the Left Alliance of CPN-UML and CPN-MC won 64 per cent of the seats; followed by the NC (21 per cent), and the FSFN and RJPN (12 per cent).

The following table shows that the CPN-UML and CPN-MC together got 71 per cent seats in Province 1; while in Province 3 they got 74 per cent seats. Similarly, in Province 4, 5, 6 and 7 they got 66 per cent, 70 per cent, 85 per cent and 73 per cent seats respectively. Only in Province No. 2, the Left Alliance could not muster a clear win in its favour with the alliance of FSFN and RJPN getting slightly higher number of seats (51 per cent). In PA elections, independent candidates registered win in three constituencies, the Naya Shakti Party Nepal in two and Rashtriya Janmorcha in two and Nepal Majdoor Kisan Party in one.



**Province-wise seats won by political parties under FPTP and PR system**

Political Parties	Province 1	Province 2	Province 3	Province 4	Province 5	Province 6	Province 7
CPN-UML	51 (55)	21 (20)	58(53)	27(46)	41(47)	20(50)	25(47)
NC	21 (23)	19(18)	21(19)	15(25)	19(22)	5(12)	12(23)
CPN-MC	15 (16)	11(10)	23(21)	12(20)	20(23)	14(35)	14(26)
FSFN	3 ( 3)	29(27)	-	-	5(6)	-	-
RJPN	-	25(24)	-	-	1(1)	-	2(4)
Bibeksheel Saha Party	-	-	3 (3)	-	-	-	-
Rastriya Pra-jatantra Party	1 (1)	-	1 (1)	-	-	1(3)	-
Naya Shakti Party, Nepal	-	-	1 (1)	1(2)	-	-	-
Rastriya Janmor-cha	-	-	-	3(5)	1(1)	-	-
Nepal Majdoor Kisan Party	-	-	2 (2)	-	-	-	-
Rastriya Pra-jatantra Party (Democratic)	-	-	1 (1)	-	-	-	-
Nepal Sanghiya Samajwadi Party	-	1 (1)	-	-	-	-	-
Sanghiya Lok-tantrik Rastriya Manch	1 (1)	-	-	-	-	-	-
Independent	1 (1)	1 (1)	-	1(2)	-	-	-
	93	107	110	59	87	40	53
Total	(100)	(100)	(100)	(100)	(100)	(100)	(100)

(Source: Observer Research Foundation)<sup>24</sup>

**Constitution of National Assembly (Upper House)**

As per the provision of the constitution, the Upper House of 59-members will constitute the National Assembly. Of these, 56 members are elected by an Electoral College comprising Provincial Assembly members, chiefs and deputy chiefs of Village Councils and municipalities. Each of the seven provinces no matter how big or small they are in terms

of population elect 8 members for the National Assembly and the remaining 3 members are nominated by the President on the recommendation of the government.

On February 7, 2018, election to the National Assembly was held with CPN- UML winning 27 seats followed by CPN-MC 12 seats, NC 23 seats. In totality, the Left Alliance won 69 per cent seats in the National Assembly.

**Seats won by political parties in National Assembly**

Political Parties	Number of Seats Won	Percentage
CPN-UML	27	48
CPN-MC	12	21
NC	13	23
RJPN	2	4
FSFN	2	4
Total	56	100

*(Source: Observer Research Foundation.<sup>25</sup> Table and analysis by Dr. Hari Bansh Jha)*

**Analysis of Election Results**

The two major left parties, CPN-UML and CPN-MC did exceedingly well at all the three levels of the election processes with, in the local level elections CPN (UML) winning 294 positions and CPN-MC adding 106 to the Left Alliance, cornering a total of 400 positions. It was well ahead of the NC which got 265 positions. Even if one were to add the 85 seats secured by the Madhesi and other minor parties to the combined tally of the non-communist forces, the gap would be significant. Similar position obtained even in the Provincial, House of Representative and National Assembly elections at the federal level. Of the 550 seats on offer in the Provincial Assemblies, the Left Alliance bagged 351 against NC's 113. In the House of Representatives, the Left Alliance captured 174 seats against NC's 63 in the 275 member house. As regards the National Assembly, the Left got 39 of the 56 seats in comparison to NC's 13.

Thus, it was the Left Alliance in total command all the way except in the Madhesi dominated province no. 2 in which Madhesi parties, RJP-N and NC together, accounted for nearly 70 per cent of the votes polled, leaving the two major communist parties well behind.

## **Chapter IV : Government Formation**

Even after the completion of the main processes of the elections, it took considerable time to form the new government due to procedural delays in the constitution of the National Assembly. Finally, the election results to the two houses of the Parliament were notified, the incumbent Prime Minister S B Deuba submitted his formal resignation and, as expected and as mandated by the people, the CPN (UML) leader K P Sharma Oli was sworn in as Nepal's 41<sup>st</sup> Prime Minister on February 15, 2018. This is his second tenure as Nepal's PM, the first being from October 15, 2015 to August 3, 2016 during which Nepal-India relations hit an all-time low.

As per latest reports, besides PM Oli, the Cabinet consists of six Ministers, four from CPN (UML) and two representing CPN (MC). While Finance and Defence have been retained by UML, interestingly, Home and Commerce and Industry have been assigned to CPN (MC).

### **List of Ministers**

K.P. Oli	Prime Minister <sup>[a]</sup>	CPN (UML)	15 February 2018
Lal Babu Pandit <sup>[b]</sup>	Minister of Population	CPN (UML)	15 February 2018
Tham Maya Thapa <sup>[c]</sup>	Ministry of Labour, Employment, Women, Children and Social Security	CPN (UML)	15 February 2018
Ram Bahadur Thapa	Minister of Home Affairs	CPN (Maoist Centre)	26 February 2018
Yuba Raj Khatriwada	Minister of Finance	CPN (UML)	26 February 2018
Ishwor Pokharel	Minister of Defense	CPN (UML)	26 February 2018
Matrika Prasad Yadav	Minister of Industry,	CPN (Maoist Centre)	26 February 2018

It was then widely speculated in the media that PM Oli will appoint 15 to 18 ministers to his Cabinet including three Ministers of State. The Constitution limits the size of Council of Ministers to 25-including the Prime Minister. It is also speculated that Oli will hold PM's position for the first three years followed 2 years under Prachanda's leadership.<sup>26</sup> It is also learnt that some of the vacant ministerial positions will go to representatives of RJPN and FSFN as and when they agree to join the coalition.

Prime Minister KP Sharma Oli's appointment secured three-fourths majority support in the 275-member strong House of Representatives, emerging as the most powerful executive head of the nation in the post-1990 period. In the vote of confidence motion tabled in the Parliament on March 11, 2018 as per constitutional requirement, Oli garnered 208 votes out of the total 268 cast. Among the nine parties and an independent present in the Lower House, six parties including an independent, voted for Oli while Nepali Congress was the only party in opposition. Baburam Bhattarai of the Naya Shakti Party-Nepal was absent, while Prem Suwal of the Nepal Majdoor Kisan Party abstained from the voting process.

### **Political Developments Post-Cabinet Formation**

On the political side also the two alliance partners, CPN-UML and CPN-MC, have reportedly agreed to the merger plan under a seven point agreement worked out at a meeting of the Party Unification Coordination Committee (PUCC). This has since happened and the new unified party has been named the Communist Party of Nepal. The merger will ensure political stability at least for the next five years in the country where governments have changed almost every year. As per the agreement, two top leaders KP Sharma Oli and Pushpa Kamal Dahal will share the party chair in equal capacity.

It is quite clear, however, that K P Oli personally and his party the UML will remain the dominant partner both in the government and in the unified party. The question being asked in the political circles is, for how long will Prachanda and his followers accept a subordinate role. For the present he has no other option. Oli must be conscious of the fact that in the HoR, UML's dominance can get neutralised, at least in theoretical terms, if MC, NC and the smaller parties like RJPN and FSFN were to decide come together. Therefore, it is likely that the political game will be played very cautiously giving due consideration to the legitimate concerns and aspirations of all the stakeholders.

As regards the opposition, as expected, the NC has already started facing some serious internal turbulence. Senior leaders like Ram Chandra Poudel have started demanding that party President Sher Bahadur Deuba be held responsible for the electoral debacle. Poudel read out a four-page-long letter during the party's Central Working Committee meeting on February 25, criticising Deuba for failing the NC in the elections by 'acting like a factional leader' rather than of the entire party, thus weakening the party organisation. He also called for convening the 14<sup>th</sup> general convention of the party to decide the par-

ty's future.<sup>27</sup> It is, however, learnt that Deuba has managed to fortify his position within the party with the pre-election induction of the influential leader of the Tharu community and is now Vice President of the NC. This notwithstanding, the NC leaders and the party face an uphill task in rejuvenating the shattered party network, strengthening their mass base, reconnecting with the splintered ethnic groups to be in any position to challenge the rampaging left alliance forces.

Similar turbulence could also come up within the Madhes/Tarai based parties which had done so well in the elections to the first CA by coordinating their political agenda, but fell apart in the subsequent elections to CA-2 and again in the recently held local level to the national level elections. It is obvious that these parties and their leaders will have to get their acts together rather than remain divided and eventually suffer incalculable political marginalisation. The elections saw their near wipe-out except in Province 2.

Regrettably, one has not yet come across any signs of a re-think or remorse on their part for 'letting down' their constituents. On the other hand, there is some apprehension amongst the people that the splintered groups might once again start looking for some share in the new power structure by entering into personal deals with the ruling dispensation. This would certainly be welcomed by the Left Alliance to further perpetuate their power base by continuing with the divide and rule approach.

The Madhesi parties, however, are a wild card, their leaders are susceptible to lures designed to break any emerging Madhesi unity, but should Oli manage to accommodate their political aspirations they can just as easily be co-opted into government to act as a common political force against the NC opposition. Matters could go either way. However, it would be unwise and certainly too premature on their part to ignore the initial pronouncement in this context by the new leadership to work on the constitutional amendments left pending before the earlier parliament. If the moves are driven by a genuine desire to resolve the pending concerns of a significant section of the population, it should be welcomed by all concerned.

## **Chapter-V : Conclusions**

### **Have the Elections Strengthened Nepal's Transition to Democracy?**

As stated in the foregoing analysis, there is an overwhelming appreciation for the manner in which the electoral processes were conducted, not only in terms of what it has achieved so far but, more importantly for the manner in which it has been done. However, some political pundits still raise the question whether Nepal's quest for transition to democracy has been addressed through the new constitution and the elections held there under?

The answer to these questions is both yes and possibly no. Yes, because the entire electoral process at all the three levels, carried out over an extended period of time, was hugely participative despite some boycotts; was largely peaceful and above all; graciously accepted by all the political parties and the people. Even some of the mature democracies around this part of the world could not have claimed all these positives in their first attempt at a democratic initiation, coming after a prolonged period of over two and a half decades of intensely violent conflict.

<b>Sr. No.</b>	<b>Name</b>	<b>Affiliation</b>	<b>From</b>	<b>To</b>
<b>1</b>	G P Koirala	NC	May 2008	Aug. 2008
<b>Election held for Constituent Assembly (CA-1)</b>				
<b>2.</b>	Pushpa Kamal Dahal	Maoist	Aug.2008	May 2009
<b>3.</b>	Madhav K Nepal	NCP (UML)	May 2009	Feb. 2011
<b>4.</b>	J N Khanal	NCP(UML)	Feb. 2011	Aug. 2011
<b>5.</b>	Baburam Bhattarai	Maoist	Aug. 2011	Mar. 2013
<b>Khil Raj Regmi Interim Government to conduct CA II Elections</b>				
<b>6.</b>	Sushil Koirala	NC	Feb. 2014	Oct. 2015
<b>7.</b>	K P Oli	NCP (UML)	Oct. 2015	Aug.2016
<b>8.</b>	Pushpa K Dahal	Maoist	Aug.2016	May 2017
<b>9.</b>	S B Deuba	NC	May 2017	Feb. 2018
<b>Elections held under the new Constitution. Parliament constituted for a 5 year term</b>				
<b>10</b>	K P Oli	NCP (UML) +NCP (MC)	Feb. 2018	Till date

*(Compiled by the authors from open sources)<sup>28</sup>*

The 'no or may be not' verdict could also find some justification if one were to ask the other important question whether the apparently successful exercise so far, has the basic strength to withstand the test of time over a reasonable period? These doubts originate primarily out of two major considerations. First, the experience of political stability, or lack of it, in the course of CA-1 and CA-2, was not very encouraging. The table below lists out the names of prime ministers since the abolition of monarchy in the country in 2008:-

It can be seen that just under 10 years, the country has had 10 Prime Ministers in an extended game of musical chair in which coalitions were made and reneged ostensibly for the sole purpose of staying in power. The maximum advantage of this game went in favour of the Communist parties, particularly NCP (UML). The question thus arises if the same considerations would prevail in the future too with shifting alignments to manipulate formation of governments in their favour, resulting in periodic political instability?

The second consideration leading to an element of doubt arises out of the fact that a significant section of the population had expressed serious reservations with certain aspects of the constitution and these had remained unresolved before its promulgation and elections there under. Will these be addressed by the new dispensation in a spirit of accommodation?

The Madhesh-based political parties, including the FSFN and RJPN, have already started exerting pressure on the new government to consider their long pending demands that could not be met during the previous dispensations. In fact, the political parties had, before the elections, promised to bring changes in provincial boundaries and making suitable amendments in the constitution to end the age-old discrimination. If the new government fails to reconcile with such forces, there could be a fresh wave of political and social instability/confrontation. Therefore, the time has come for the left front to work judiciously by focusing on development and maintaining balance in geopolitics.<sup>29</sup>

In addition, there are also those who think that the threat to political stability under the new dispensation could likely arise from the same people who gave the new government the massive mandate to rule the country. Lord Acton once wrote, "Power corrupts, and absolute power corrupts absolutely." Image of many of the left front leaders are not so clean and given this reality, they could misadventure by indulging into corrupt practices. In such a situation, the democratic force led by the NC, the RJPN and the FSFN might not let go the opportunity to expose the left.<sup>30</sup>

However, in the ultimate analysis, the success of the left front government will largely depend on how it performs. If it performs rationally taking care of the expectation and aspirations of all segments of the population and works for Nepal's economic reconstruction, inclusive approach to governance with equity and fair play, there is no reason why it cannot succeed and provide political stability vitally important for the country's democratic transition. In addition, the government will also be expected to maintain balance in geopolitics, especially between its two important neighbours-India and China. But if it fails to do so, it could prove disastrous. In the past, apart from the monarchical institution, certain leaders in the country failed, to a large extent, due to their inability to maintain such a balance.<sup>31</sup>

### **Implications for India-Nepal Relations**

While trying to understand what went wrong in bilateral relations in recent times, Indian analysts start the narrative from the last tenure of PM Oli which saw blatant anti-India disposition of the government of Nepal with repeated street agitations, burning of effigies of PM Modi by UML activists, the Madhesi agitation in favour of their demands for constitutional amendments, the blockade etc. Oli's supporters also blamed New Delhi for replacement by Dahal and later Deuba. The Nepalese media and commentators on the other hand point out India's luke warm statement that merely 'noted' the promulgation of the new constitution, in contrast to the Chinese welcoming reaction. Though India had some genuine concerns on the non-inclusive aspects of this document, it did not appear to have fully grasped the general sense of popular relief and pride in Nepal on its adoption; our statement was badly received, misinterpreted as being sneering, partisan and pro-Madhes. It was seen as an attempt to interfere in Nepal's affairs as the Tarai boiled in discontent, and as 'proof' that India was behind the alleged 'blockade'.<sup>32</sup>

This extreme sensitivity on safeguarding Nepal's sovereignty has been deeply ingrained in the hill population of Nepal, who seem to consider themselves the only 'true' Nepalese, separate from the 'Indian origin' Madhesis. Isolated from the North Indian plains over the centuries by the malaria-infested Terai and from Tibet by the Himalayas, the hill people were secure in their sovereignty until malaria was eradicated in the 20<sup>th</sup> century and the Terai became habitable, after which the very closeness of Nepalese and Indian cultures has paradoxically led Kathmandu to try and safeguard its sovereignty by emphasising Nepal's own distinctiveness and asserting its policy independ-



ence. The wider cultural divergence with Tibet/China makes that relationship less intrusive and threatening.

The return of the Oli-led Left Alliance to power in the elections has not been assessed by the Indian media commentators “as welcome news for India”. Perceived as an old ally of China, PM Oli and New Delhi have had tumultuous relationship especially after the infamous 2015 border blockade. The Alliance is seen by the political commentators as enjoying a comfortable relationship with China. New Delhi is aware of the growing Chinese presence in Kathmandu. Nepal has granted Beijing a substantial edge over all the key projects be it hydel or connectivity related. The country has also shown considerable interest in Xi Jingling’s Belt Road Initiative. As far as the Budhi Gandaki Project and its probable transfer from India to China is concerned, though it has not yet happened, Oli had explicitly indicated his position during his election campaign.<sup>33</sup>

Given Nepal’s geo-strategic position, any factional discontent or instability in the region would directly affect India and its relations with Nepal. India’s interest in ensuring peace and stability in Nepal is unquestioned and beyond doubt. This has repeatedly been stressed by New Delhi. Nepal’s quest for stability, development and prosperity depends largely on its smooth transition to democratic principles and objectives. India has made investments in virtually every sphere of Nepalese economy be it infrastructure, power, connectivity or social sectors and would not like these projects to be derailed due to political manipulation by anti-India forces.

The first step to stabilise our edgy bilateral relations would be to acknowledge the recent political mandate handed down by the electorate. PM Modi’s gesture of the telephonic conversation with leaders of the left alliance and the subsequent visit of Foreign Minister Sushma Swaraj to Kathmandu, even before the swearing in of the Cabinet, went a long way in reassuring the new leadership in Nepal of New Delhi’s commitment to discharging its responsibilities towards strong bilateral ties based on mutual cooperation.

The Oli government has so far shown a positive intent to repairing its strained ties with New Delhi. Oli’s visit to New Delhi in April 2018 and the unusually quick return visit of PM Modi to Kathmandu in May, suggests a mutual desire on the part of both leaders to make a measured beginning to put the past behind and start a new chapter in bilateral relations. In these circumstances, the need of the hour and the viable *modus operandi* would be to delink the

China factor adversely impacting in our bilateral relations. Delinking the issue on New Delhi's part will be a positive and a pro-active approach in the longer run. On the other hand, Kathmandu too will also have to maintain a well-calibrated approach. Regular bilateral visits and exchanges will go a long way in enhancing the visual optics.

An important component to work on would be clearing up all the procedural delays in the developmental projects of Nepal. No other measure increases bilateral trust more than the completion of the badly delayed projects. Happily, both sides have realised this and have committed themselves in this direction during the recent high level interactions.

Internally, Oli's CPN government will need to work towards resolving political issues that remain pending in the 2015 Constitution to fulfil its electoral promises, and should it not do so for want of capacity, political will or other reasons, it will put itself at risk. In such a circumstance, Oli could attempt to play on nationalist sentiment and raise the Indian bogey to maintain his hold and authority over the CPN. However, this would be a disastrous course. There are several good arguments against it - interpersonal rivalries within a weak unified left front will come immediately to the fore, and the possibility of a NC/MC-led opposition coalition emerging should keep Oli on guard.

India would need to keep these prevailing political realities in mind. The first step to stabilise the edgy India-Nepal bilateral relationship would be to acknowledge the recent political mandate handed down by the electorate. Any political instability in Nepal directly affects India and we have a stake in Nepal's political and democratic well-being. India would need to tread carefully to avoid derailing its many investments in the Nepalese polity and economy due to political manipulation by anti-India forces. Happily again, this seems to have been acknowledged by both sides in the recent exchanges. Nothing was said or done from either side that could have quivered the pitch.

In dealing with Nepalese parties or factions, one should avoid the temptation of branding them in pro-India or anti-India terms, Madhesi or Pahari, as 'our Nepalese' or 'their Nepalese'. One needs to engage closely with all sections of Nepalese society and government, without showing preference for any one. In any case, political attitudes in Nepal are known to be typically fluid (except in a very few cases). At the same time, India cannot expect any elected Nepalese government or political party to take an overtly allied position with India or China, and the only viable option is to delink the China factor from

adversely impacting our bilateral relations. And that should also be true for both China and Nepal to delink the discourse based on 'India Card' or China Card'. To do otherwise will only provide anti-India forces the opportunity to drag India into controversy.

Our relations with Kathmandu as far as the Chinese economic moves in Nepal are concerned, should be purely objective and clinical, rather than being politically driven. With this, any attempts in the Kathmandu leadership to play China against India would not succeed. Regular bilateral visits and exchanges will go a long way in enhancing the optics.

The Nepalese economy is much more closely enmeshed with India's and this is India's greatest strength and insurance against the Chinese meddling in Nepal. Efficient planning and execution of Indian assistance or Indo-Nepal economic interaction (including transit and border management) is crucial to building confidence and respect for Indian capacities, rather than taking Nepalese dependence on India for granted. Every attempt should be made to enhance and deepen these linkages, even as India should refrain from over-emphasising a 'special' relationship or cultural closeness. If the Nepalese see themselves as culturally and politically distinct from India, let them be comfortable in that belief. Good security and strategic bilateral linkages exist, but need not be portrayed as the primary foundation of the bilateral relationship. In return, India would have some reasonable expectations from Nepal that its core interests are given due consideration in their dealings with China or any other country.

To sum up, India-Nepal relations are a vast confluence of socio political and economic engagements. They cherish the people-to-people contact. They cannot be defined by a single element only. Multi-faceted and multi-dimensional approach is required on both sides to study and analyse our relationship. The elements have evolved from age-old ties and permeate our socio-cultural aspects. In the long-term policy, both sides will require to understand and respect each other's aspirations and long-term interests inter-twined with our historical and cultural linkages that can neither be ignored nor easily erased. New Delhi and Kathmandu have to imbibe valued principles of peaceful coexistence, acknowledge sovereignty of ideas and respect each other's values, traditions and sentiments.

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