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Nepal after the elections: Hope for political stability?¹

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Twelve years after the start of a transition and renewal process and two and a half years after the adoption of the new constitution, the opportunity for political stabilisation is emerging in Nepal. Elections at all three levels of the new political system, a sharp reduction in the number of parties involved in parliament and the transformation of the Left Alliance formed for the provincial and parliamentary elections into a new party have the potential to dramatically change the balance of power in the longer term. Despite this development, it must be borne in mind that many transition processes are still not complete.

Since the new federal system had to be installed at all levels by 20 January 2018 at the latest, 2017 was a hectic election year. Initially, efforts were made to completely restructure the local level. The lastly 3334 towns and municipalities were reduced to only 757 units and for the most part completely recut. Two of the 75 districts have been divided, so there are now 77.

Among the municipalities 481 are now called Rural Municipalities (Gaunpalika). The cities have kept their name Nagarpalika, but their number has been increased to 276. Some of them are especially highlighted as Metropolitan City or Sub-Metropolitan City. Districts have lost importance as many of their responsibilities will be carried out at the lowest local level in the future. Unfortunately, even during the local elections, the re-cutting process was not yet complete. In some cases, local protests continue to this day.

For all three levels of the new federal system - national, provincial and local - many things that should have been regulated before the elections are still partly unclear today. These include, for example, the legal basis for action for the new institutions, the delimitation of responsibilities, fiscal regulations, the designation of the respective administrative centres as well as their personnel and institutional resources, etc.

The local elections of 2017

Despite these shortcomings and the particular challenge posed by constantly changing political guidelines, the Election Commission has succeeded in holding the elections successfully and largely peacefully at all three levels. The most difficult issue was the local elections, which were spread over three election dates and only concluded in September 2017.

At the same time, the election system used was extremely complicated. Each city and municipality is divided into so-called Wards. While the Rural Municipalities basically have 5 Wards, their number varies depending on the number of inhabitants in the cities. One Ward Chairperson and four other

1 A German version of this article has been published in the journal Südasiens, 1/2018, April 13, 2018

members of a Ward Committee shall be elected from each Ward. In addition, there is the election of the mayor and his deputy. The voters therefore had to stamp seven representatives on a single, sometimes huge ballot paper, which were only marked with symbols. In view of the large number of parties, the ballot papers were completely confusing and overwhelmed the voters, especially in the larger cities. The result was a high number of invalid votes, in some cases more than 20 percent, which in some places called into question the fairness of the elections.

The local electoral system is particularly positive in terms of women's participation. Two of the five Ward representatives had to be women, one of them a Dalit woman. Mayors and deputies also had to be of different sexes. Although the parties nominated almost exclusively male people for the more important post, the proportion of women in the local institutions is very high thanks to the electoral system. Hardly to be found, however, are male Dalits, for whom a mandatory inclusion was not prescribed.

The election result was a clear success for CPN-UML nationwide. The Nepali Congress (NC) was in second place, followed by CPN-MC, now the Maoist main party. Only in the Tarai, especially in Province 2, the CPN-UML had to accept significant setbacks. This was undoubtedly due to the party's restrictive policy during the 2015-16 border blockade and the Madheshi parties' demands for a fundamental revision of the new constitution. In Province 2, the two Madheshi/Janajati parties Federal Socialist Forum - Nepal (FSFN) and Rastriya Janata Party Nepal (RJPN) jointly won the most mandates.

Nationwide election result of local elections

Position	CPN-UML	NC	CPN-MC	RPP	NMKP	FSFN	RJPN	MJFN-L	Independent	Others
Mayor	123	105	34	1	1	10	14	0	2	3
Deputy Mayor	137	84	43	3	1	6	17	1	0	1
Chair Person	171	161	72	1	0	24	11	5	3	12
Deputy Chair Person	194	139	68	2	0	26	13	4	5	9
Ward Chair	2560	2286	1103	24	0	262	194	54	28	231
Female Ward Member	2776	2157	1035	25	20	290	211	56	0	172
Female Dalit Ward Member	2680	2101	1030	18	0	283	214	56	0	187
Other Ward Members	5458	4423	2056	48	42	540	437	112	0	368
Total	14099	11456	5441	122	64	1441	1111	288	38	983

Source: compilation by the author on the basis of data published on the website of the Election Commission

Formation of election alliances

Elections to the first and second levels of the system took place in two phases on 26 November and 7 December 2017. First in the higher districts of the northern mountains, then in the southern mountains and in the Tarai. Although there were some attacks in the run-up to the elections, at least in part due to the Communist Party of Nepal (CPN), the remaining radical wing of the Maoists with their leader Netra Bikram Chand, the actual elections were peaceful.

At the beginning of October, CPN-UML and CPN-MC, the latter at that time still government partners of the NC, surprisingly merged to form an electoral alliance under the name Left Alliance. In an almost panic reaction, the NC announced the formation of a Democratic Alliance just one day later. The name was intended to express that only the NC could be regarded as a democratic party, but not the left-wing parties. It was worrying that the Rastriya Prajatantra Party (National Democratic Party, RPP) was named as the most important ally. This pool of former Panchayat politicians questions the new constitution, rejects secularism and federalism and calls for a revival of monarchy and Hindu state.

Other partners mentioned were the Madheshi/Janajati parties, which, for their part, showed no particular interest in an election alliance with the NC. Rather, FSFN and RJPN agreed on their own electoral alliance in the Tarai, especially in Province 2, which is the only one of the seven provinces limited exclusively to the Tarai.

The allocation of posts, i.e. the allocation of candidatures in the forthcoming elections, proved to be an outstanding problem for the alliances. While 240 direct candidates per party and 335 for the proportional lists were still nominated in the Constituent Assembly elections in 2013, the Left Alliance now had to share 165 direct candidatures with two parties. For the proportional lists, only 110 joint candidates were still possible. Although a further 550 posts were vacant in the seven provinces, most leading party politicians preferred further involvement at the highest state level.

The advantage of the Left Alliance was that despite some internal party struggles it finally managed to present a joint list of candidates. Consequently, in each of the 165 constituencies there was only one common candidate from the two parties. The NC had little to oppose this, especially since the "partner" RPP was only very half-heartedly involved.

Elections to the Federal Parliament and the Provincial Assemblies

Against this background it was not surprising that the Left Alliance conquered the direct election mandates in a landslide manner. Of the 165 seats, the CPN-UML won 80 and the CPN-MC 36, while the NC, still the strongest party in 2013, received only 23 direct mandates. The two parties of the Madheshi Alliance jointly won 21 seats. Four other parties, including RPP, each won a seat.

Results of the House of Representatives elections

Parties	House of Representatives 2017					Comparison to 2013					
	FPTP seats	%	PR votes	%	PR seats	Seats total	% of all seats	% PR votes 2013	Difference	% of all seats 2013	Difference
CPN-UML	80	48.48	3173494	33.25	41	121	44.00	23.66	9.59	30.43	13.57
CPN-MC	36	21.82	1303721	13.66	17	53	19.27	15.21	-1.55	13.91	5.36
NC	23	13.94	3128389	32.78	40	63	22.91	25.55	7.23	34.09	-11.18
RJPN	11	6.67	472254	4.95	6	17	6.18	new			6.18
FSFN	10	6.06	470201	4.93	6	16	5.82	new			5.82
Nayan Shakti Party Nepal	1	0.61	81837	0.86	0	1	0.36	new			0.36
RPP	1	0.61	196782	2.06	0	1	0.36	6.66	-4.60	4.17	-3.81
Nepal Majdur Kisan Party	1	0.61	56141	0.59	0	1	0.36	0.71	-0.12	0.70	-0.34
Rastriya Janamorcha	1	0.61	62133	0.65	0	1	0.36	0.98	-0.33	0.62	-0.26
Unabhāngige	1	0.61			0	1	0.36			0.35	
40 andere Parteien	0	0.00	599792	6.28	0	0	0.00				
Total	165	100.00	9544744	100.00	110	275	100.00				

Source: compilation by the author on the basis of data published on the website of the Election Commission

Given the alliance of the two left-wing parties in the direct electoral system, the result does not really say much about how the parties were accepted by the voters. Conclusions on this can only be drawn from the proportion of votes in the Proportional Representation (PR) lists, since the two left-wing parties also competed against each other here. This result in relation to the proportional system also confirms the defeat of the NC compared to the November 2013 elections, but it also shows that this defeat is far from being as serious as the elections under the direct voting system would suggest. Rather, the NC has even gained under the PR system, although it also had to give CPN-UML priority

here. Only CPN-MC lost again in the PR votes compared to 2013 and now has not even half as many votes as in 2008.

Thanks to the 3 percent hurdle introduced, only five parties were able to gain seats via the proportional system. 40 parties have thus been completely left empty-handed. This must be seen as a very positive development, because in the past the multitude of parties in Parliament has repeatedly given rise to power struggles and vote buying.

The two Left Alliance parties just missed their own two-thirds majority. This would be needed for possible constitutional amendments. There are indications that the FSFN wants to get involved with the government if the latter agrees to the constitutional changes demanded by the Madheshi. The participation of the FSFN would suffice for a two-thirds majority.

Elections to the 7 Provincial Assemblies

Elections to the provincial assemblies were held in parallel to those to the House of Representatives. Each of the 165 constituencies was divided once again, resulting in 330 direct mandates nationwide. They were distributed among the provinces according to their population. At this level, too, the Left Alliance came into play. The results were therefore similar to those of the House of Representatives elections. Only in Province 2 were FSFN and RJPN able to obtain the absolute majority of direct mandates together. Otherwise, the parties of the Left Alliance won everywhere else. Although the overall result was relativised by the NC's share of the PR system, through which a further 220 members were elected, this did not change the absolute majorities of the Left Alliance in the other six provinces.

Results of the Provincial Assembly Elections 2017

Pradesh Sabha (1-7 / nationwide) [FPTP seats: 330, PR seats: 220. Seats total: 550]

Parties	FPTP seats	%	PR votes	%	PR seats	Seats total	% of all seats
CPN-UML	168	50.91	3038584	33.69	78	246	44.73
CPN-MC	73	22.12	1325085	14.69	35	108	19.64
NC	41	12.42	2869418	31.81	73	114	20.73
FSFN	24	7.27	366445	4.06	13	37	6.73
RJPN	16	4.85	378555	4.20	12	28	5.09
Rastriya Janamorcha	2	0.61	31878	0.35	1	3	0.55
Nayan Shakti Party Nepal	2	0.61	43714	0.48	1	3	0.55
Bibeksheel Sajha Party			161832	1.79	3	3	0.55
Rastriya Prajatantra Party			203584	2.26	4	4	0.73
Nepal Majdur Kisan Party	1	0.30	57185	0.63		1	0.18
Independants	3	0.91				3	0.55
Total	330	100.00	9019297	100.00	220	550	100.00

Source: compilation by the author on the basis of data published on the website of the Election Commission

Women and social inclusion

As in all previous elections, the parties nominated almost exclusively men for direct elections at central and provincial level. Only six of the 165 directly elected members of the House of Representatives are women; the situation at provincial level is similar. However, the constitution stipulates a women's quota of 33 percent for all these meetings. This means that the majority of MPs entering the assemblies through the PR system had to be women. At the seven provincial assemblies, for example, 172 of the 220 PR representatives were women.

However, this led to the absurdity of the constitutional provision that half of each of the PR representatives to be sent from each of the social superiors should be women and half men according to the proportion of their population. Men from the Janajati, Madheshi and especially the Dalits groups, who were not nearly adequately considered as direct candidates by the parties, were thus also denied the chance of consideration via the PR lists. Even the reduction in the proportion of PR members in favour of directly elected candidates imposed by the NC and CPN-UML when the new constitution was adopted had led to fears that traditionally disadvantaged groups would be less included, especially since the men from the high Hindu castes (Tagadhari), who dominate all parties and offices, were also included in this PR regulation. All this was obviously so wanted by the male party elites.²

National Assembly

For the first time since the end of the 1990 system, the parliament consists of two chambers. In addition to the House of Representatives elected directly by the people, the National Assembly represents the provinces at the highest level. Each of the seven provinces sends eight deputies to this National Assembly, at least three of whom are women. Another three persons, including one woman, are nominated by the President on the recommendation of the government. Unlike the House of Representatives, the members of the National Assembly are elected for a period of six years, with one third to be re-elected every two years in future. The election is carried out by an electoral committee composed of representatives of the provincial assemblies and representatives of the local level.

Since the Left Alliance parties at these levels, apart from Province 2, have large majorities, only representatives of these parties and a few members of the successful Madheshi parties in Province 2 would have been elected if a pure majority voting system had been applied.

Shortly before the election of the National Assembly, the parties therefore agreed on a mixed system of First-Past-The-Post (FPTP), applied for the election of representatives of Dalits and minorities, and the so-called Single Transferable Voting (STV), which guaranteed a proportional representation of the parties in the provincial assemblies also for the National Assembly, i.e. the NC also received a certain participation in the Assembly.

Formation of government and merger of the left

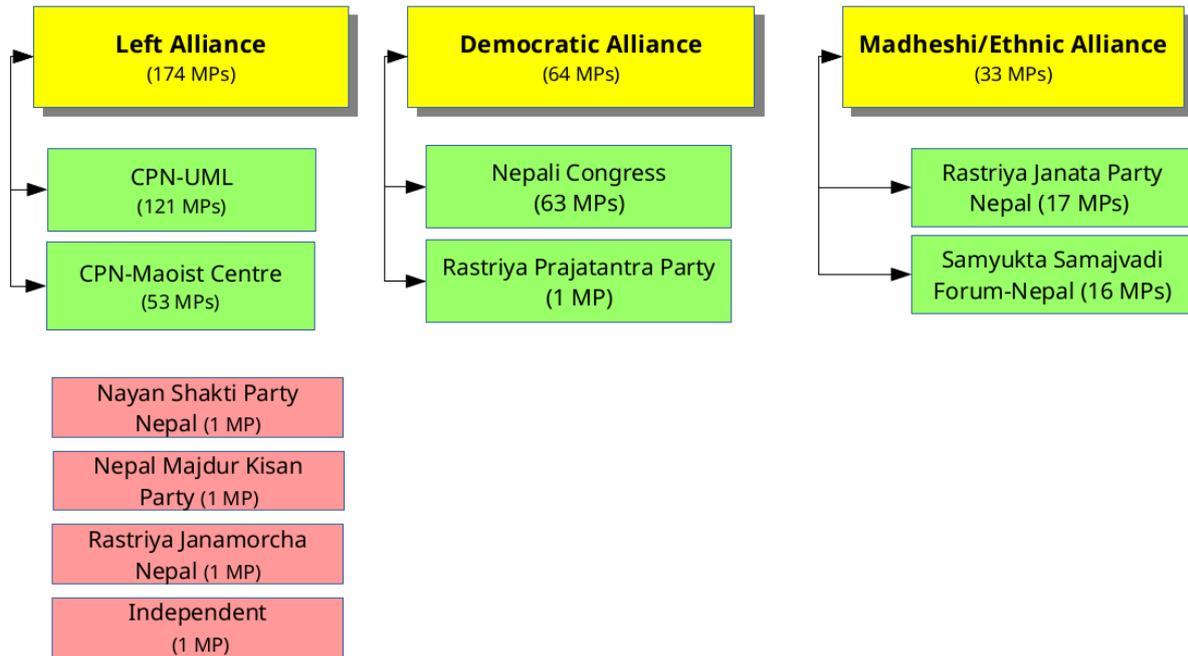
Despite the actually stable majority, the formation of a government proved difficult. The main reason was the parallel effort of CPN-UML and CPN-MC to actually merge into a single party. At the same time, these two governing parties also tried to bring the two Tarai parties FSFN and RJPN on board. Then the government would have the two-thirds majority in the House of Representatives needed to amend the constitution. Both Tarai parties have clear demands for such a constitutional amendment. It should remove many of the tensions that led to the border blockades in autumn 2015.

Khadga Prasad Sharma Oli was elected Prime Minister on February 15, 2018. The two major governing parties formed a cabinet with 17 ministers until 15 March. Three other ministries remained vacant for the time being in order to keep the option of government participation open to the FSFN.

Oli's authoritarian style of government is criticized. He has repeatedly taken decisions without consulting the relevant ministries. In addition, there are still doubts about the democratic understanding of both Left Alliance parties, in particular CPN-MC and its chairman Pushpa Kamal Dahal.

² In its report of 20 March 2018, the EU Election Observation Commissioner (EUEOM) criticised precisely this aspect, which triggered massive protests in Nepal's political circles for interfering in internal Nepalese affairs.

House of Representatives (January 2018)



- The House of Representatives has 275 MPs. 165 of them have been elected in the elections of November/December 2017 through the direct election system (First-Past-The-Post, FPTP). 110 MPs have been elected under the Proportional Representation (PR) system that shall guarantee proper representation of ethnic, gender and other social groups of the population.
- 49 political parties participated in the elections.

by Karl-Heinz Krämer, Nepal Research, January 2018

All this contradicts the stability mentioned at the outset, which would be possible due to the clear majority situation. In general, there are voices expressing concerns about the new distribution of power, and they do not only come from the camp of the now opposition NC. There are fears that the new Left could, with a two-thirds majority in Parliament, change the whole political system to their liking. All important offices of the state are now in the hands of politicians of the two major left-wing parties, including the spokespersons of the two chambers of parliament and their deputies. The question remains: what happens if the Left Alliance parties actually join forces to form a single party, which should happen in April? Speakers and deputies must come from different parties. President Bidya Devi Bhandari (CPN-UML) and Vice-President Nanda Bahadur Pun (CPN-MC) were also confirmed in office. More important, however, is the question of when the government will finally address the many problem areas of the country and make the federal system actually operational.