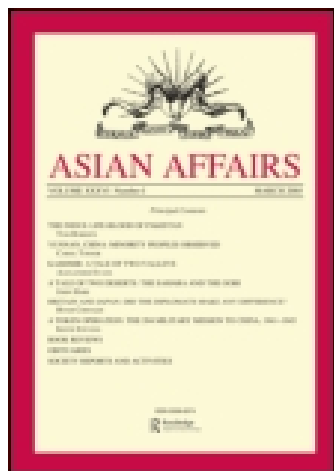


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THE 2013 ELECTIONS IN NEPAL

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Introduction

On 19 November 2013, Nepal went to the polls to elect its second Constituent Assembly (CA). The first CA was dissolved on 28 May 2012 after four years and four extensions of time without managing to agree on a new constitution.¹ It took a frustratingly long time for elections to a new CA to be held. The political parties could not agree on a power-sharing arrangement to administer new elections. The solution came in the form of a non-party government of bureaucrats, led by Chief Justice Khil Raj Regmi, appointed in March 2013 in order to run the process. This was a desperate measure condemned by many as contravening fundamental constitutional principles, not least the separation of the judiciary and the executive. As with the elections of 2008, there was considerable doubt, until quite close to the election date, about whether they would be held at all, and, if they were to be held, whether they would take place on the specified date. In the end, despite all difficulties, the election passed off for the most part in a very peaceful manner and with fewer irregularities than ever before in Nepal. The atmosphere of fear and intimidation that marked many sites and was felt by many people in 2008 was much less prevalent in 2013. The Carter Center concluded that the election “was conducted remarkably well, especially in the face of attempts by boycotting parties to disrupt the process through violence” (Carter Center 2013).

There was some discussion of changing the proportions of the PR (proportional representation) and FPTP (first past the post) elements in the

election system, but in the end there was no time, and no agreement, so the elections were held under exactly the same rules (agreed under the Interim Constitution of 2007) as the 2008 election: 575 MPs to be elected, of whom 240 would be directly elected from 240 constituencies under FPTP, the remaining 335 by PR with the whole country as a single constituency. Twenty-six MPs are to be appointed by the Council of Ministers afterwards, making a total of 601 MPs.² The appointed positions are supposed to be reserved for distinguished individuals who can contribute towards governing the country and writing a new constitution, as well as for representatives of *Janajati* (ethnic minority) groups with no members already in the CA. In practice, in the first CA, these positions were divided up between the major parties and used to enable senior politicians who had lost their seats to find their way back into parliament.³

From the point of view of the voters the implication of this mixed system was that they had to mark two separate ballot papers, each of which listed party symbols only (no names). On entering the polling station they were first given a blue ballot paper for the FPTP election in their constituency, on which there might be as few as seven or as many as 20 or even 50 symbols. The second, pink, ballot paper was for the PR part of the election. This was an enormous sheet with 122 symbols (Plate 1).



Plate 1. The second ballot paper for PR with 122 parties' symbols.

Understandably, in the absence of written explanations or any other instructions, many people were uncertain what many of the symbols stood for. None the less, people were quite capable of splitting their vote by casting their FPTP vote for one party and their PR vote for another, as will be discussed further below.

The process

The Election Commission of Nepal (ECN) decided to re-register all the voters before this election using biometric as well as biographical data. Whereas before, local government offices collected the data, now people were required to go and register, and to show their citizenship card in order to be registered as voters. As a consequence the total number of registered voters went down from 17.6 million in 2008 to 12.1 million in 2013. This suggests that there were many dead or long-absent people still on the rolls in 2008; apparently many voters were also registered in two different places. The total number of those actually voting in the two elections was much closer: 11.1 million in 2008 and 9.7 million in 2013. It would appear that even greater numbers were working and living abroad, or at least far away from their home villages, in 2013 than had been the case in 2008. These missing voters may have totalled as many as 3 million people. Whatever the reason, there was a record turnout of 78.34 per cent, a level of participation that puts to shame many so-called more advanced countries.

The ECN also decided, fairly late in the day, to introduce photo ID cards for all voters. This worked much better than expected. Most voters were willing to come and collect their ID cards from their designated polling station between one and three days before the election (Plate 2). Some were even permitted to collect the card on the day of the elections. In other cases voters who had not collected their card were permitted to vote using some other photo ID (usually a citizenship card), providing their name was on the list. Only people who were not on the list, because they had been absent from the country during registration or had otherwise omitted to register, were unable to vote.

Detailed instructions were sent out on how to set up polling stations, who was allowed inside and who not, etc. (Figure 1). The most common location was in the courtyard or playgrounds of schools. Within each location there could be two or more 'polling centres', with specific wards assigned to each centre, the rule being that no centre should



Plate 2. Three street vendors, two of them displaying their voters' ID cards, which they had just collected, in Baglung town, two days before the election.

have more than 900 voters. Civil servants, teachers, and judges were employed to man the stations, given training in district headquarters, and paid extra allowances for their work. Party representatives met with polling officers the day before the poll to agree on procedures for the following day. In some cases, they agreed that parties would be allowed two representatives within the polling area, rather than the recommended one, in order to provide cover when taking breaks. These local inter-party committees were mostly very effective in monitoring potential problems, dealing with disputes, and maintaining peace.

Voters queued up before the opening at 7 a.m. in separate lines for men and women (Figure 2). Often the oldest person present was ushered to the



Figure 1. Ballot papers in sealed packages before being opened by officials on the morning of the election, along with the ECN's instruction booklets for polling officers.



Figure 2. Voters queuing up inside the high school in Nirethanti, Baglung constituency 1, on the morning of the election.

front to ceremonially inaugurate the voting. Voters had their identity checked against the voters' list. Party representatives, seated behind the officials (occasionally, and less properly, in the same line as the officials), were able to check names against their own lists. Voters had their thumb

nail inked, to show that they had voted. Then they marked their thumb print on the stub of the first ballot paper, and the ballot paper was torn off and handed to them to cast their first vote. They proceeded to a semi-screened area to vote using a swastika stamp and inkpad. Then they returned to pick up the second ballot paper and voted in the PR section, before proceeding out of the voting area by an exit-only route. By mid-day or 1 p.m., most people in most places had already voted (Plate 3). National and in some cases international observers were present to keep a record of whether ECN procedures were being followed.

The ballot papers were all signed by the polling officer before voting and the stubs all had identifying numbers, in case of accusations of ballot-stuffing. Before voting began the transparent Japanese-made ballot boxes were all checked by the party representatives; once checked and agreed to be empty, the lid was sealed tight with strip lock-ties. At the end of voting at 5 p.m. the voting slot in the box's lid was also similarly sealed and the whole box placed in cloth, which was sealed with wax, before being transported to the counting centre.

Despite a considerable amount of voter education, confusion persists about the two ballot papers. Nearly five per cent of all ballots were spoiled, the most common reason being that two swastika stamps were placed on the first ballot paper. Clearly many people had been reminded, before entering the voting area, to vote twice. Therefore, on receiving the



Plate 3. Voting in the afternoon in Vihu VDC (Village Development Committee), Baglung constituency. The PR ballot box in the left foreground is full of completed ballot papers.

first ballot paper, they immediately stamped it twice, thereby rendering the paper invalid. Reportedly, a large proportion of these spoiled ballots had one stamp on the tree symbol (for the Congress Party) and one on the cow symbol (for Kamal Thapa's Rastriya Prajatantra Party (Nepal) or RPP-N). (The significance of this kind of split vote, and in particular of votes for the RPP-N, is discussed further below.)

In many remote districts the counting began only two or three days after the election. The FPTP ballots were counted first (Plate 4). Party representatives, journalists, and election observers were present to observe the counting almost everywhere, though there were some cases of restrictions being placed on the latter two categories. The seals on the boxes were checked and then broken. The ballot papers were removed and placed upside down and the total number in the box was counted (in some cases this step was omitted). Then the ballots from two or more different polling locations were mixed together, to prevent identification of particular hamlets; in some places party representatives protested successfully against this, since, of course, they want to know how people voted in specific places. The ballot papers were sorted by party, with a separate pile for spoiled ballots. Then the votes for each party were counted again into batches of 100 with each set of 100



Plate 4. Counting of FPTP votes in Kushma, the headquarters of Parbat district.

rolled up and bound together and placed back in the box. At the end of the counting for a given constituency the polling officer verified the result and made a public announcement. Once the FPTP ballots were finished and re-sealed in their boxes, the PR ballots were counted, this time in a much calmer atmosphere.

Coordination between police, armed police, and the army was necessary to counteract the many threats of violent disruption coming from the 33-party anti-poll alliance led by Mohan Vaidya's Nepal Communist Party-Maoist (CPN-M). In the run-up to election day, small bombs were set off and fake bombs were placed at strategic crossroads in order to spread fear (but generally placed so as to minimize casualties). A Nepal-wide *Bandh* (general strike) was called, aiming to shut the whole country down, in order to prevent people from returning home to vote. Some buses were attacked. There was at least one fatality and some were left with permanent injuries. Armed police and soldiers did not enter the polling stations, but they were responsible for moving the sealed ballot boxes to the counting centres in the district headquarters (Plate 5). Security around the counting centre was high and only those with accreditation were allowed near.



Plate 5. Ballot boxes in the district headquarters, Baglung, piled high by VDC. Once all the ballot boxes have arrived and been checked in, the room itself is locked and sealed until it is time to start counting.

There certainly were clashes between different political groups, some serious injuries, and three murders that appear to have been politically motivated, including that of the UML candidate for Bara-4, Mohammad Alam. But, all in all, the election passed off more peacefully than any previous election and the bureaucrats and schoolteachers involved were unanimous that it was the best-run Nepali election they had ever experienced.

At the end of the election day, party leaders, including Prachanda, leader of the mainstream Maoists, or UCPN(M), congratulated the ECN on an efficiently conducted election. The following day, as counting got under way, it became clear that the UCPN(M) were not doing well, and that Prachanda himself, in Kathmandu-10 (including the university town of Kirtipur), was losing badly to the Congress candidate and falling behind even the candidate of the Unified Marxist-Leninists (UML), Nepal's other main communist party. Not long after midnight the order went out to all Maoist party representatives to withdraw from observing the counting process. The allegation was that there had been systematic irregularities, but the political truth was that the Maoists withdrew in an attempt to undermine the legitimacy of the process and so that they would be in a position to allege improper behaviour on the part of the army, the polling officers, and the other parties. The comprehensive defeat of the UCPN(M) was not expected by them or by others and was initially very hard for Prachanda to take.

Most candidates made oral and informal accusations against other candidates: that they were buying votes or were otherwise in breach of the election code of conduct. According to the rules candidates were supposed to be restricted to two private vehicles, but this rule was observed more often in the breach. Candidates were not supposed to use out-size posters, to make use of children in campaigning, or to campaign on the day before the vote. Nineteen formal complaints were registered with the Constituent Assembly Court protesting against irregularities in named constituencies. In addition, the UCPN(M) made a generalized complaint that the army influenced the outcome by tampering with boxes on their way from polling to counting stations. If, as they have been promised, an investigation is carried out into all allegations, it is likely that the UCPN(M) will itself also be found to have committed irregularities.

The results

Since they were counted first, obviously the results of FPTP came through first. The focus of public attention was both on the overall

trend and on seeing who was the winner and who the loser in the big-name contests. A new feature of the 2013 election was that there were real-time updates on-line and on Twitter, as the latest figures filtered out. Many senior leaders of Congress and the UML, who had lost in 2008, proved to be winners in this election, often winning in both the seats in which they stood. The result, compared to 2008, was a defeat for the Maoists, who went from being the single biggest party to third party by some margin. Congress and UML shared the lead, with the Congress Party slightly ahead – a result that many people had, wrongly, predicted for 2008. The map of Nepal shows the UCPN(M) hanging on to their strongholds in the districts of Rolpa, Rukum, Gorkha, and one or two other places; but it also shows Congress and UML coming back strongly throughout the country, including in many places in the Tarai (the plains in the south), despite the rise, and continued hold, of *Madheshi* parties (ethnic-based southern parties).

The contrast between 2008 and 2013 was particularly stark in the case of the Maoists, whose total of MPs fell from 237 to 80. Correspondingly, Congress increased from 115 to 196, and UML from 108 to 175. The combined total of *Madheshi* parties fell from 87 to 50, reflecting both the resurgence of Congress and UML, and the rise in the number of *Madheshi* parties, whose votes were therefore split between many competing candidates. The advance of the ‘right-wing’ RPP and RPP-N saw their total of MPs rise from 15 to 37.

The immediate aftermath

It took the parties much longer to settle on their PR MPs than the ECN had initially allowed. The party leaderships had both to follow the reservation quotas specified by the ECN and to select their PR representatives from a pre-announced list of PR candidates. This left plenty of room for manoeuvring and intra-party conflict. The ECN instructed parties to appoint at least 50 per cent women to their PR lists in order to make up for the very poor gender balance in the FPTP results. A considerable number of seats were allotted to the wives of party leaders. In many other cases it was reported that parties were selling MP seats to the highest bidder. Businessmen who wanted to parlay wealth into status suddenly had a much less onerous way of becoming an MP than campaigning door to door and asking people for their vote. Nepali public opinion, for its part, started to realize that there might be downsides to the PR system that they had not anticipated.

Table 1. Election results

Party	PR votes	%	PR seats	FPTP seats	Total seats	% of total seats
Nepali Congress (NC)	2,418,370	25.55	91	105	196	34.09
CPN-Unified Marxist-Leninist (CPN-UML)	2,239,609	23.66	84	91	175	30.43
UCPN(Maoist) (UCPN(M))	1,439,726	15.21	54	26	80	13.91
Rastriya Prajatantra Party-Nepal (RPP-N)	630,697	6.66	24		24	4.17
Madheshi People's Rights Forum-Democratic (MPRF-D)	274,987	2.91	10	4	14	2.43
Rastriya Prajatantra Party (RPP)	260,234	2.75	10	3	13	2.26
Tarai Madhesh Loktantrik Party (TMLP)	181,140	1.91	7	4	11	1.91
Madheshi People's Rights Forum-Nepal (MPRF-N)	214,319	2.26	8	2	10	1.74
Sadbhavana Party	133,271	1.41	5	1	6	1.04
CPN (Marxist-Leninist) (CPN-ML)	130,300	1.38	5		5	0.87
Sanghiya Samajvadi Party (SSP)	121,274	1.28	5		5	0.87
Nepal Majdur Kisan Party (NMKP)	66,778	0.7	3	1	4	0.7
Rastriya Jana Morcha (RJM)	92,387	0.98	3		3	0.52
CPN-United	91,997	0.97	3		3	0.52
Rastriya Madhesh Samajvadi Party	79,508	0.84	3		3	0.52
Tarai Madheshi Sadbhavana Party	62,746	0.66	2	1	3	0.52
Rastriya Janamukti Party	63,834	0.67	2		2	0.35
Tharuhat Tarai Party Nepal	62,526	0.66	2		2	0.35
Nepal Pariwar Dal	51,823	0.55	2		2	0.35
Dalit Janajati Party	48,802	0.52	2		2	0.35
Akhanda Nepal Party	36,883	0.39	1		1	0.17
Madheshi Peoples Rights Forum-Republican (MPRF-R)	33,982	0.36	1		1	0.17
Nepali Janata Dal	33,203	0.35	1		1	0.17
Khambuwan Rastriya Morcha Nepal	30,686	0.32	1		1	0.17
Nepal Rastriya Party	28,011	0.3	1		1	0.17
Janajagaran Party Nepal	27,397	0.29	1		1	0.17
Sanghiya Sadbhavana Party	25,215	0.27	1		1	0.17
Madhesh Samata Party Nepal	23,001	0.24	1		1	0.17
Samajvadi Janata Party	21,624	0.23	1		1	0.17
Sanghiya Loktantrik Rastriya Manch (Tharuhat)	21,128	0.22	1		1	0.17
92 other parties	518,385	5.48	0		0	0
Independents				2	2	0.35

As tabulated by Karl-Heinz Krämer at www.nepalresearch.com.

It was evident that Congress, as the largest party, would have to lead the government. Congress President Sushil Koirala, a loyal party man and relative of former leaders BP and GP Koirala, defeated previous PM

Sher Bahadur Deuba on an internal ballot to be the party's candidate for Prime Minister. As a Constituent Assembly it was felt proper that UML should join Congress in a coalition government, both because they were the two largest parties and because their positions on constitutional matters were perceived to be close. This agreement nearly came unstuck when Congress wished to retain the Home Ministry, which the UML believed had been promised to them. In the end Congress gave way, and a Cabinet of 21 was formed with Koirala as PM, and ten ministers each from Congress and UML. The UCPN(M) announced it would take on the role of opposition. By March it was announced that talks were under way on unity, or at least a working alliance, between the UCPN(M) and its erstwhile fraternal enemies, the CPN-M. Three of the main *Madheshi* parties were also in unity talks.

There was debate within political circles on whether the new CA should vote for a new President and new Vice-President. It was a major achievement of the previous CA (despite being the outcome of miscalculation on the part of certain political actors) to elect *Madheshis* to both positions, a highly symbolic demonstration of their new prominence in the polity. Now that there is a new CA, the UML argued, there should also be new elections for these two positions. The Congress Party, of which the President had previously been a member, retorted that on the contrary these two positions should remain in place "until the constitution is written", as envisaged in the Interim Constitution of 2007. The Supreme Court pronounced in favour of the latter view on 23 January.

Considerable discussion has taken place, and is taking place, over the wisdom of pushing ahead with local elections before June, as promised in the manifestos of the major parties (though by March it was clear that the first realistic date would in fact be November 2014). On the one hand, Nepal badly needs locally elected bodies in order to entrench accountability. There have been no local elections since 1997. The last elected local bodies were dismissed in 2002. Since then unelected officials and then, from 2006, local representatives of the major parties in the first CA made decisions through local committees called the All-Party Mechanism. Effectively this meant that they divided the spoils between themselves. This All-Party Mechanism was dissolved in 2010 in order to curb corruption and central bureaucrats were appointed to oversee local governance. This history of unelected rule at the local level has had a depressive effect on development, has encouraged corruption, and has meant that many people have not had access to local services in the ways that they would like.

Against this, it is argued that allowing local elections to proceed on the current geographical basis will effectively entrench the pre-reform power structure. It will make it even harder to restructure the state on a federal and decentralized basis. Therefore, pushing ahead with local elections now is a plot by anti-federal forces to undermine the writing of a new federal constitution. This fear strikes me as overdrawn and alarmist, but it is indicative of increasing polarization and suspicion as the decision point on the constitution draws near.

Interpretations

Seen in conventional left-right terms, the election was widely interpreted as a political shift to the right (e.g. Lal 2014). At any rate, it was certainly a clear rejection of the left-wing Maoist position adopted by Vaidya's CPN-M, which campaigned for a boycott of the whole process. They attempted to intimidate people into not voting both with small bombs and booby traps and by straightforward threats. When that failed, according to many accounts, they instructed their supporters to vote for whichever party was most likely to defeat Prachanda's UCPN(M). The electorate, by the simple act of voting, and turning out in such numbers, demonstrated contempt for the CPN-M's denunciation of elections as a mere bourgeois façade. The 2013 election was, therefore, a vote for a continuation of the peace process, a rejection of further revolution and civil war, and for more normalized electoral politics and a new constitution.

At the same time, in their choice of party to vote for, the electorate decisively turned away from the Maoists as a whole. Having had a good look at the Maoists in government, and having observed their involvement in even greater levels of corruption than the other parties, and their willingness to harbour criminals among their number, most voters returned to the two main parties. Vaidya's CPN-M is known popularly as the 'dash Maoists', after the hyphen in their acronym. By a felicitous back-formation, Prachanda's party, the UCPN(M), which kept control of the money following the split, was, and is, known as the 'cash Maoists'. The split meant that the UCPN(M) did not have large numbers of cadres on the ground, and this further weakened their appeal. As the biggest party, they suffered the most from a general anti-incumbent sentiment. This anti-incumbency mood of the electorate was felt across the board and led to only 15 per cent of the members of the first CA finding their way back into the second CA.

One highly significant point in the Maoists' defeat was the question of ethnic federalism (Khanal 2013). Both Congress and the UML resisted what they called 'single ethnicity federalism' (*ekalajatiya-sanghiyata*) and claimed to be in favour of 'multiple identity-based federalism' (*bahupahican-sanghiyata*). In fact, no party was explicitly espousing what might be called strong ethnic federalism. At the centre and among cognoscenti a distinction was made between *ethnicity*-based (*jatiya*) federalism and *identity*-based (*pahican*) federalism. But the significant social and political phenomenon was that these distinctions were not understood (or, from another point of view, were seen through) by the wider population. The Maoists and many smaller regional and ethnic-based parties were *believed* to favour an ethnic federal agenda (as discussed further below) and this was a major point encouraging voters to choose either Congress or the UML.

It was not only the Maoists who were rejected. As implied, ethnic-based parties were also rejected, or received only low levels of support. But this must be tempered by the recognition that politicians sailing under a variety of *Madheshi* flags were elected; that they did not do better was mainly down to the extremely large number of *Madheshi* parties. The question of *Madheshi* identity and the relationship between the Tarai and the centre has become and will remain the most difficult and strategically complex issue that the Nepali state must face in the years to come.

Another option on offer was the distinctive stance of Kamal Thapa's RPP-N (Rastriya Prajatantra Party, or National Democratic Party, with the suffix 'N' for Nepal, to distinguish it from the other RPP of Surya Bahadur Thapa and Pashupati Shamsheer Rana). The RPP-N did not win a single FPTP seat, but it did much better than all other small parties in the PR vote, ending up with 630,697 votes and 24 seats in parliament, making it by some margin the fourth-biggest party. (Its closest rival, the MJF-Democratic, won only 14 seats.)

Kamal Thapa, a tough, experienced, and wily political operator, achieved this success by appealing on a distinctive platform of support for a return to state Hinduism and constitutional monarchy (whereas the other RPP accepted both secularism and the republic). The RPP-N came up with what proved to be a highly popular slogan: *ek bhot dai-lai, ek bhot gai-lai* ('one vote for elder brother, one vote for the cow [the RPP-N's symbol]'). Variations of this slogan were heard throughout the country in different languages. It meant: vote for the large parties in FPTP, but give your PR vote to the RPP-N. The RPP-N proved its skill in the

electoral game (a) by managing to have the cow accepted as its symbol, by arguing that the cow they had chosen was not a religious symbol, being of the ‘European’ Friesian variety; and (b) by turning up as soon as registration opened, and therefore having their symbol placed prominently on the top line of the PR ballot paper’s 122-strong list of symbols.

It was particularly striking that Kamal Thapa’s party came first, in the PR vote, in six out of ten Kathmandu constituencies and second in three of the other four. It gained over 111,000 votes, more than a sixth of its national total, from Kathmandu alone. (It also performed strongly in Parsa-1 and Parsa-2, constituencies that include the city of Birganj on the Indian border.) Anecdotal evidence suggests that this was the pious urban Hindu middle class expressing its annoyance at the fact that no referendum had been held on the question of whether Nepal should become a secular state; the ruling elite had simply decided the question without a national debate and without consultation. On the whole, and despite some who still hanker after a monarchy, even – as it is locally phrased – an ‘active monarchy’, it seems to have been the religious question that was the crucial one. It would be incorrect, therefore, to interpret the votes for the RPP-N as indicating strong or widespread support for a return to constitutional monarchy.

One should not exaggerate the importance of the RPP-N result, striking though it was. The vast majority of voters did not split their votes between different parties. Congress and UML each received nearly four times the PR votes of the RPP-N, and the UCPN(M) over double.

It is a legitimate question to ask why the regional, ethnic, and federalist parties were not able successfully to pursue the same logic as the RPP-N and persuade voters to split their votes to their advantage. A cartoon in the *Nepali Times* in 2008 had captured this perfectly: a man is seen, his head in a spin, in front of two ballot boxes; one is labelled ‘cast your vote’, the other ‘vote your caste’. In other words, voters had already begun to understand in 2008 that it was possible to vote strategically in this way, for a major national party in the FPTP and for an identity- or issue-linked party in the PR vote. Some voters were explicit about their intention to do this in 2013 (Snellinger 2013). And yet, to a very large degree – and with the one exception of the RPP-N – voters did not do so in massive numbers in 2013. This is further evidence that they were not swayed by the identity-federalist agenda. At the margins, the Federal Socialist Party of Ashok Rai, which split from the UML on the question of identity-based federalism, took some votes from the

UML. It may well have prevented the UML from winning a few seats, for instance constituencies Kathmandu-5 and Kathmandu-9, in both of which Congress defeated UML by less than 600 votes. But over the country as a whole what was remarkable was that the UML withstood this split far better than it did the split in 1999, when Bamdev Gautam led very much the same constituency into a separate party.

The question of inclusivity

One of the most important questions facing the country is the role of 'identity' (*pahicān*) in its future political structure. It was this key issue, above all others, that led to the collapse of the first Constituent Assembly. In the first CA, supporters of 'ethnic' federalism, which included the UCPN(M) and many smaller parties, wanted federal provinces named after the ethnic groups historically associated with them. Some advocates of strong ethnic federalism had wanted to go further, with 'prior rights' (*agrādhikār* in Nepali) for members of those target populations, though by May 2012 this was no longer on the agenda. Congress and the UML, under pressure from activists from *Bahun* (Brahmin) and *Chetri* groups, were wholly against granting differential rights and were even reluctant to concede what could be argued to be merely symbolic ethnic names for the federal provinces. They even rejected the compromise of a combined geographic-ethnic name (e.g. Bagmati-Newar or Mechi-Limbuwan). Finally, even a proposal to defer the question of the name (that it should be decided by the region itself once the federal constitution had been adopted and started to operate) was not accepted. With the Supreme Court refusing to allow the CA extra time, it came to an ignominious end without delivering a constitution.

As already noted above, a major reason, if not the major reason, for the defeat of the UCPN(M) in the 2013 elections was its perceived support for 'single-ethnicity federalism' and the UML's and Congress's opposition to it. Ordinary people did not distinguish 'ethnicity' from 'identity', feared that different groups would be at each other's throats and that the country would start to fall apart, worried that the new provincial capital would be a long way away and hard to access for services, were encouraged to believe that provincial states might grant differential rights, impose differential rates of taxation, or even indulge in ethnic cleansing, and so on. Maoist spokesman Agni Sapkota acknowledged that the UCPN(M) had failed to explain its position on federalism properly and

that the perception that it supported ethnic federalism had been the “main reason” for its defeat.⁴

One of the achievements of the 2008 elections – thanks to the PR system and the rules that required any party putting up candidates in more than 30 per cent of the constituencies to adhere to strict proportionality in its candidates – was to produce a parliament more representative of the social groups within the country than many in the entire world. In these terms, i.e. in terms of identity inclusivity, the 2013 parliament is a step backwards. The proportion of Janajati (hill ethnic group) MPs fell from 27.3 per cent to 23.1 per cent (they make up around 35 per cent of the population). Hill Dalits (ex-Untouchables) fell from 6 per cent to 4.7 per cent (they make up 9 per cent of the population). Tarai Dalits and Muslims registered small increases, though still below their proportion of the population. Women were exactly a third of the 2008 parliament; this fell to 30 per cent in 2013.

Despite this, and despite the continuing domination of *Bahun*s in the major political parties as well as the new Council of Ministers, the parliament remains much more inclusive than any other in Nepal’s history, with the sole exception of the first CA; it remains more inclusive than many parliaments in the West. The major part of the credit for the extraordinary advances that Nepal has made on this front, as well as for the once-unimaginable achievements of republicanism and secularism, lies with the Maoists (Shrestha 2014). The current danger, as many commentators have pointed out, is that anti-federalist forces will undo some of these changes. If they attempt to sideline all the decisions of the previous parliament, rather than building on them, there is sure to be a backlash sooner or later. The honeymoon period will not last long and normal politics will resume. Reservations in education and the armed forces will still need to be made to work. A federal constitution with appropriate protections will still need to be written.

Conclusion

In the end, these elections were not just about electing a parliament, and not just about electing a new constituent assembly. They were also a crucial part of a post-conflict peace process. That they were held at all was a major achievement. That they passed off so successfully and so efficiently – despite one or two incidents that did not affect the result

overall, and despite numerous threats of violent opposition – is remarkable.

The Nepali people, all in all, seem to have demonstrated considerable judgement and wisdom. In 2008 they took a chance on the Maoists, both because they feared that they would return to fighting and because they hoped that they represented something genuinely new. This led directly to the Maoists ‘entering the mainstream’ and leaving ‘the jungle’. By 2013 the Nepali people had by and large become thoroughly disillusioned with the Maoists, realizing that many of them were even more corrupt than the politicians they had replaced, and, for the most part, disliking their opportunistic adoption of identity politics. They thus returned en masse to the other two large parties, and in many cases voted tactically for the best candidate and against incumbents, despite the fact that the Congress and the UML can hardly be said to have demonstrated great statesmanship or sagacity in the previous five years. However, one respect in which the Congress and UML have shown statesmanship is in reaching out to the Maoists to ‘mainstream’ them; and they did this again after the election, by pledging not to revoke the achievements of the first CA, specifically republicanism and secularism, in order to persuade the UCPN(M) to accept the result.

While voting the Maoists out of power, Nepalis none the less gave them sufficient support to have a stake in the system and the position of leaders of the opposition. One can only hope that the new generation of Nepali politicians will practise to the fullest extent possible the maturity and judgement displayed by those who put them into office.

NOTES

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2. Technically, these are Constituent Assembly Members (*sabhasad*) as opposed to MPs (*samsad*), but for most people the distinction is academic and I shall refer to them as MPs.
3. For an introduction to the recent political history of Nepal, see Hachhethu & Gellner (2010). On the history of Nepal more generally, see Whelpton (2005); on ethnicity, Gellner, Pfaff-Czarnecka, & Whelpton (2008) is the place to start, or for a very short overview, Gellner (2007). On the Maoist insurgency/civil war, 1996–2006, see

Thapa (2003), Thapa and Sijapati (2004), Ogura (2007, 2008), Lecomte-Tilouine (2013), and Pettigrew (2013). Two forthcoming volumes will add considerably to our knowledge both of the complex years of conflict and of the conflict's aftermath: Adhikari (2014), Jha (2014).

4. In a press conference on 20 December 2013 (<http://www.nepalnews.com/index.php/politics-archive/28569-ucpn-m-accepts-defeat-in-poll-due-mainly-to-ethnic-agenda>).

REFERENCES

- A. Adhikari. *The Bullet and the Ballot Box: The Story of Nepal's Maoist Revolution*. London: Verso, 2014.
- Carter Center. 'Carter Center Congratulates Nepal on Well-Conducted Election Process', press release, 21 November 2013, 2013.
- D.N. Gellner. 'Caste, Ethnicity and Inequality in Nepal'. *Economic and Political Weekly* Vol. 42, Issue 20(2007): 1823–1828. (available at academia.edu).
- D.N. Gellner, J. Pfaff-Czarnecka, and J. Whelpton (eds). *Nationalism and Ethnicity in Nepal*. Kathmandu: Vajra, 2008.
- K. Hachhethu and D.N. Gellner. 'Nepal: Trajectories of Democracy and Restructuring of the State', in P. Brass (Ed.) *Routledge Handbook of South Asian Politics*. Routledge, 2010, pp. 131–146.
- P. Jha. *Battles of the New Republic: A Contemporary History of Nepal*. London: Hurst; Delhi: Aleph, 2014.
- M.R. Khanal. 'Post Mortem of a Defeat' *Nepali Times* Vol. 683(2013). (<http://nepalitimes.com/regular-columns/Inside-Out/Post-mortem-of-a-defeat,201>, consulted 21/3/14).
- C.K. Lal. 'Rightward Drift in Nepal'. *Economic and Political Weekly* Vol. 49, Issue 4 (2014): 10–13.
- M. Lecomte-Tilouine (ed.). *Revolution in Nepal: An Anthropological and Historical Approach to the People's War*. New Delhi: Oxford University Press, 2013.
- K. Ogura. 'Maoists, People, and the State as seen from Rolpa and Rukum', in H. Ishii, D. Gellner, & K. Nawa (Eds.), *Political and Social Transformations in North India and Nepal: Social Dynamics in Northern South Asia, Volume 2*. New Delhi: Manohar, 2007, pp. 435–75.
- K. Ogura. 'Maoist People's Governments, 2001–05: The Power in Wartime'. in D.N. Gellner & K. Hachhethu (Eds.), *Local Democracy in South Asia: Microprocesses of Democratization in Nepal and its Neighbours*. Delhi: Sage, 2008, pp. 175–231.
- J. Pettigrew. *Maoists at the Hearth: Everyday Life in Nepal's Civil War*. Philadelphia: Pennsylvania University Press, 2013.
- S. Shrestha. 'Maoist Defeat in Nepal: The Price of a Missed Opportunity'. *Economic and Political Weekly* Vol. 49, Issue 4(2014): 13–16.
- A. Snellinger. 'Two Votes Each', 2013. (www.ekantipur.com/the-kathmandu-post/2013/11/18/related_articles/two-votes-each/255933.html).
- D. Thapa, (ed.). *Understanding the Maoist Movement of Nepal*. Kathmandu: Martin Chautari, 2003.
- D. Thapa and B. Sijapati. *A Kingdom under Siege: Nepal's Maoist Insurgency, 1996–2004*. London: Zed, 2004.
- J. Whelpton. *A History of Nepal*. Cambridge: Cambridge University Press, 2005.