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ANALYSIS

NEPAL'S 2008 CONSTITUENT ASSEMBLY ELECTIONS: CONVERTING BULLETS TO BALLOTS

Bishnu Pathak

April 10, 2008, marked a momentous day in Nepal with the surprising victory of the Maoist party in the country's first Constituent Assembly (CA) elections in nearly six decades. While most electoral analysts predicted a tight competition between the centrist Nepali Congress (NC), the country's oldest political party, and the Communist Party of Nepal—Unified Marxist-Leninist (CPN-UML; hereafter referred to as “UML”), it was the Maoists—once a banned terrorist organization—who emerged overwhelmingly victorious, leaving uncertain the fate of the current King Gyanendra and the monarchy. While marred by sharp, if limited, physical and ideological confrontations among the Maoists and its opposition parties, the CA election was spectacular for the world insofar as it was held in relative peace, with an estimated voter turnout of about 60 percent, including record numbers of youth and women. Despite complaints of vote-rigging and manipulation from NGO activists, security officials, and other watchers, a number of organizations monitoring the elections—the United Nations Mission in Nepal (UNMIN) and the Asian Network for Free Elections (ANFREL), among some 856 groups—expressed satisfaction over the historic CA polls and applauded voters for their participation. Even former U.S. President Jimmy Carter, who visited Nepal twice prior to the polls and a third time during the election, deemed the process a success.

Nepal drew international attention during the elections due to the legacy of the 10-year “People's War” from 1996-2006 led by the Maoists, who have transformed their image from a violent insurgent group to a legitimate political party. Although final numbers will not be available until late May, as of late April, combining results of both the First-Past-the-Post (FPTP) and party's closed-list Proportional Representation System (PRS), the Maoists received 39 percent of the votes, compared to the NC's 19 percent, the UML's 18 percent, and the Madhesi Janadhikar Forum (MJF)'s 9 percent.

The unprecedented electoral victory of the Maoists has astounded a large number of national and international observers, and Nepali elites who have long been enjoying power and privileges under the current monarchy are extremely uncomfortable with the results. These elites believe that the triumph of the Maoists is due to either rampant vote manipulation or the fear-mongering tactics they fashioned in the past. But the large voter turnout and the uniformity in both the direct FPTP and PR voting results shed some surprising doubts on these explanations.

DECONSTRUCTING THE MAOIST VICTORY

Three factors in particular help explain how the Maoists defied most electoral predictions. First, during both the armed conflict and post-conflict periods, the Maoists worked

tirelessly to expand their organization's reach in rural areas, while the Nepali Congress and UML concentrated on urban centers. During their election campaigns, moreover, the UML and NC reverted to old methods, approaches, and platforms reminiscent of previous parliamentary elections rather than focusing on the more progressive issues such as conflict resolution and sustainable peace. The Maoists, on the other hand, pushed a populist agenda centered on ideas such as a federal structure of government and inclusive participation (of all castes/ethnicities, genders, and regions)—platforms that had broad appeal, particularly among poor, marginalized, and disadvantaged groups.

Second, the NC and UML never imagined the Maoists to be their immediate competition. The UML regarded the NC to be its primary political antagonist, while the NC remained confident that the expansion of the Maoist party would lead to contraction of the UML. This belief also circulated among some educated voters from urban centers, who incorrectly hypothesized that voting for the Maoists would help counter the number of votes for UML, thus leading to a larger NC win.

Third, out of all the voters, 51 percent belonged to the 18 to 35-year old age group, with some 22 percent of the electorate voting for the first time. Among Maoist party representatives, 126 out of the 240 total constituencies (52.5 percent) were of the same age group, compared to just 8 percent for NC and 12 percent for UML. This “age match” between the Maoists and its electorate proved helpful, as it became evident during the elections that the younger, more dynamic image of the Maoist delegates prevailed over the older, more entrenched candidates of the NC and UML. People chose to elect new Maoist faces with clean records and compelling personal histories, including 23 women (out of 29 elected) and seven *Dalits*, or socially oppressed “Untouchables” from the lowest caste of society.

THE CA RESULTS: OPPORTUNITIES AND CHALLENGES

The results of the elections present both challenges and opportunities for the Maoists. The opportunities lie in the historic notion that an insurgent force which happens to be Communist has, for the first time in the post-conflict period, swept the polls. The Maoists have presented a Communist model of development and change for the country, and voters appear to have responded decisively and affirmatively.

But the Maoists face considerable challenges in convincing the international community that they can successfully manage a complex multi-party system. With UML leaders overwhelmed, several incumbent ministers have already resigned from the government—departures that could become additional bargaining chips for the Maoists, but which could also present problems for the coalition government (called the “SPAM,” or Seven-Party Alliance and the Maoists). Because two-thirds of the CA vote is required to approve the Prime

Minister as well as endorse the new constitution, the Maoists must work in concert with the SPAM—including newly emerged parties such as the MJF—to ratify statutes. Leading such a fractured multi-party government will not be easy for the Maoists, who will find it difficult to build consensus and operationalize their proposed plans of action. For example, if a bitter rift develops among UML, NC, and the Maoists within the coalition, the possibility exists of the former two parties aligning with the king against the Maoists. Additionally, the past has shown that “leftist” forces, however radical and revolutionary when not in power, often shuffle to the right as they ascend to the top of the bureaucracy and politics. Unless the Maoists pursue honest, transparent, and accountable policies, they may find it difficult to avert this tendency.

On issues of economic and foreign policy, challenges also abound. As a result of the Maoists' revolutionary proposals for increased public-private partnerships and socialist-oriented capitalism, investors and businesspersons remain uneasy; the Nepal Stock Exchange index dropped 26.5 points on April 15. The United States continues to place the Maoist party on its “terrorist Watch list,” though a move to repeal the label appears imminent. Declaring the country a republic by extricating the monarchy in its entirety will not be easy. Moreover, dozens of ethnic and regional groups that were barred from staging protests in the past are in line to raise their voices and demands.

The Maoists have also expressed interest in annulling both the centuries-old Sugauli Treaty of 1815, which called for territorial concessions on the part of Nepal to the British, and the Indo-Nepal Treaty (1950), which stipulates terms about the movement of peoples between the two countries. The Maoists want to sign an appropriate and balanced treaty based on the principle of modern-day “Panchsheel,” which takes into account the historical and cultural relationship between Nepal and India. But none of the previous government talks on such a crucial matter have made any meaningful headway. As India has long kept Nepal under its security umbrella, renegotiating such a relationship will be cumbersome. According to Deputy Commander and strategist of the Maoist Army Nanda Kishor Pun, “The Indian government should accept Nepal's Security Sector Reform Policy, annulling its previous strategy of placing Nepal under its security umbrella.”

In Nepal's political arena, the NC adopts leader-based politics; UML cadre-based; Maoists mass-based; and the MJF culture-based. If the NC, UML, and other political parties do not appeal to populist policies, their days appear doomed. Political polarization in Nepal is rapidly increasing, cleaving two extreme poles—Left and Right—between regional parties. In April, the Maoists resigned their bullets and won the ballots, a major step forward for national peace and security. But Maoist leader Prachanda will have to prove himself as a new revolutionary leader by steering down the middle of what is increasingly a polarized and potentially volatile multi-party democracy.