

NEPAL LOCAL ELECTIONS 2022

PRE-ELECTION BRIEF # 2

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Photo Courtesy: Nepal Election Commission

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KEY MESSAGES

As political parties have divvied up top municipal positions amongst themselves, this has been at the cost of electoral representation of women.

A notable number of local-level leaders have refused to toe the party line of alliance by choosing to contest as independent candidates, refusing to withdraw candidacy, or supporting the common candidate.

Incidences of election-related violence are being routinely reported in the mainstream media, including those resulting from intra-party discontent over candidacy selection.

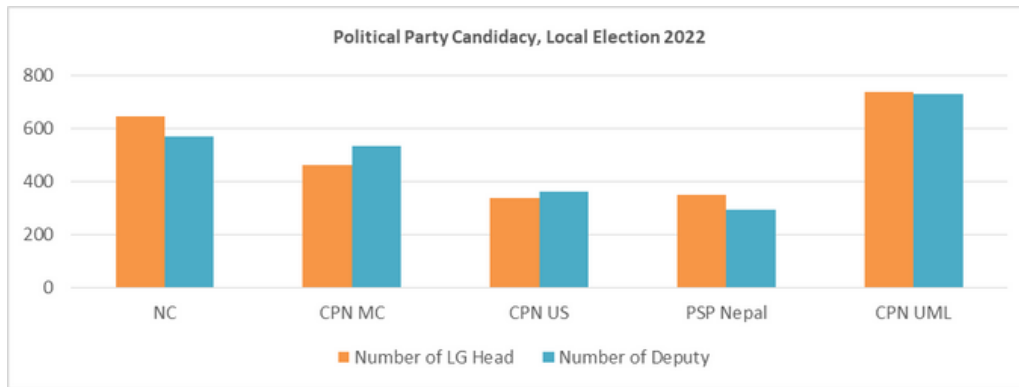
The Election Commission's prescribed Code of Conduct is proving to be ineffective as candidates and political parties have openly flouted guidelines on electoral campaigns and related spending.

Nepal is all set to hold its local elections on 13 May 2022. PEI's earlier election brief highlighted some concerns regarding candidacy selection by political parties and its implications on the potential representation of women and marginalized groups. The brief had also pointed toward the growing discontent among local leaders who may have lost out in the candidacy to those better connected with senior party leaders or who have more resources to fund expensive election campaigns. In this brief, we analyze the data of candidates officially registered with the Election Commission, Nepal (ECN) and follow it up with our observation of the campaign process.

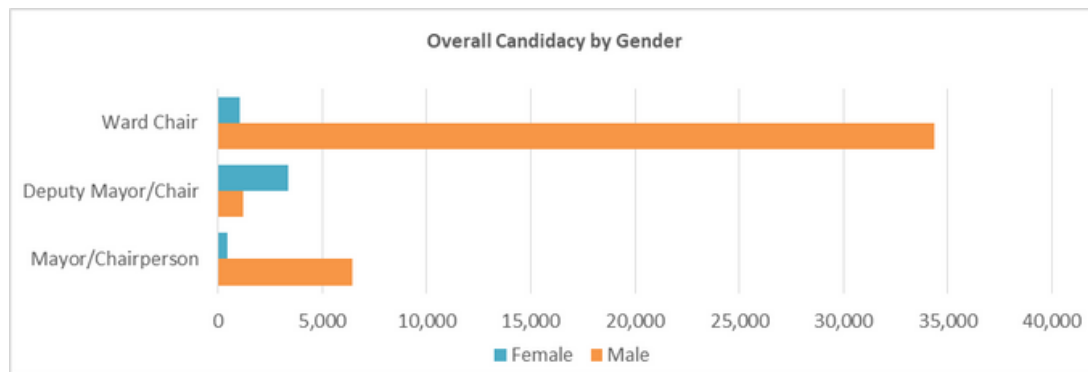
Of Alliances and the Impact on Representation

One of the major stories of this election is the *gathabandan*, i.e., the alliance established by the Nepali Congress (NC), the Communist Party of Nepal-Maoists Center (CPN-MC), the People's Socialist Party (PSP), and the Communist Party of Nepal-Unified Socialist (CPN-US). The practice of political parties cobbling together a coalition government is not new in Nepal; pre-election alliances are, however, becoming a new phenomenon in Nepali politics. This began with the electoral alliance between CPN-UML and the CPN-MC in the 2017 election, which was successful in providing them with a two-thirds majority in the parliament. This time the strategic move of those in the *gathabandan* is to challenge the past electoral dominance of the Communist Party of Nepal-Unified Marxist Leninist (CPN-UML). As part of their agreement, the parties in the alliance have divvied up many of the constituencies amongst themselves, where each party gets to field candidates only in constituencies allocated to them; all other members are required to back the common candidate. Beyond the *gathabandan*, CPM-UML has an alliance with the Rastriya Prajatantra Party (RPP), although limited to about a dozen strategic constituencies.

There is also a widespread building of alliances at the local level. A notable number of local leaders from across the party lines have forged (declared and undeclared) alliances of political expediency, many of which do not follow the arrangements at the central level. All of these alliance-building initiatives, at both the local and central levels, are reducing elections to a mere contest where voters are forced to choose between rival alliances rather than a representative from a diverse set of candidates that represent different backgrounds and raise different agendas. This is also likely to increase confusion among voters who now have to remember the many combinations of candidates leading to an increase in the number of invalid votes.



Furthermore, as noted in our previous election brief, the impact of the electoral alliance has been on the representation of women and the marginalized sections. Last month, ECN issued a special directive requesting political parties to uphold their constitutional and legal provisions on this matter.^[1] However, ECN data on registered candidates reveals that political parties have flouted the basic spirit of political representation. Out of 6,909 registered candidates for the position of mayor/chairperson across the country, only 466 are women. This means, that even if all registered candidates are elected, women will only lead 7% of the local governments across the country. At the ward level too, out of 35,400 registered candidates, women candidates constitute only 3%.^[2] This shows that the political parties have disproportionately favored men for the top leadership role, relegating women to the position of deputy mayor or vice-chair.



PEI has taken a deep dive into data from 28 municipalities across three provinces, comparing the data of municipal committee members of major six political parties with their candidacy selection in the same municipalities. Out of 154 candidates from six major political parties, contesting for 56 mayor/deputy-mayor positions across 28 municipalities, only 14% have been nominated by the local town committees. This means more than 80% of the candidates in the top municipal leadership have been selected from outside the town committees, which shows that aspiring candidates leverage their influence higher-up in the party structure reinforcing patron-client relations between senior leaders at the federal level and those at the sub-national level. Such informal practices in candidacy selection can ultimately lead to the underrepresentation of various sections of the population at the leadership level, especially the marginalized groups who may not benefit from political patronage at the higher level. PEI will conduct a more rigorous analysis of the post-election data to ascertain how undermining formal processes in the candidacy selection has impacted overall political representation.

Dealing with Discontent

Not everyone is happy with the alliances though. This is true especially at the local level where party leaders have formed their own alliances, some of which are against the arrangements at the central level. Also, since the alliance is driven solely by electoral math, oftentimes the policy agenda raised by the political parties and the common candidates may not match. As a result, some voters may find it difficult to cast a vote for parties that do not share their ideology or even have had a historical rivalry with. “It is already difficult for us to motivate our cadres to campaign alongside our political rivals, how can we ask our electorate to vote for a party and a candidate against whom we had been campaigning in the past?”, questioned a local leader from the Madhes Pradesh who was forced to give up his candidacy.

[1] Election Commission, Nepal, Press Release, March 30, 2022, <https://bit.ly/3L1dfeq>
 [2] Data obtained from the Election Commission, Nepal

There are many instances where dissatisfied local leaders have filed their candidacies as independent candidates. This has put pressure on senior leaders, who are rushing down to convince the disgruntled candidates to withdraw their names. While some have eventually yielded to the demands of their party seniors, others have refused to do so.[3] For example, in Chitwan district of Bagmati Province, NC leader Jagannath Poudel filed his candidacy for the mayoral position against his party's decision to support the candidacy of the incumbent mayor and CPM-MC leader Renu Dahal, who is the daughter of CPN-MC Chairperson Pushpa Kamal Dahal. Despite senior leaders rushing down to talk to him, Poudel refused to withdraw his candidacy. In Arghakhachhi of Lumbini Province, CPN-UML has forced its local leader and incumbent mayor of Malarani Municipality, Balkrishna Acharya, to withdraw his candidacy.[4] Acharya had filed an independent candidacy for mayor after having been refused a running ticket by the party. CPN-UML has also expelled party members for contesting elections against the party's decision.[5] The Election Code of Conduct, 2072 states that it is unlawful to obstruct the electoral program or campaign of any candidate or a political party.[6] This shows that political parties have shown disregard for the electoral code by forcing independent candidates to withdraw their names from the polls.

Election-Related Violence

In the past few weeks, PEI's media monitoring has recorded over two dozen incidences of election-related violence. For example, while the top leaders in Kathmandu are forging alliances, local cadres of the gathabandan in some instances have been physically assaulting each other. It was reported that in Kushe Rural Municipality of the Sudurpaschim Province, the cadres of CPN-MC and CPN-US clashed with cadres of NC where at least one NC cadre was injured and the police had to fire warning shots to disperse the crowd.[7]

There are other reports of election-related violence as well. For example, in Bhimdutta Municipality, the cadres of CPN-MC and CPN-US attacked cadres of CPN-UML while they were out campaigning. In the event, Anju Karki, a former CPN-MC who defected to CPN-UML, sustained a serious head injury.[8] In another incident at Hupsekot Rural Municipality of Gandaki Province, an NC candidate was reportedly assaulted by cadres of CPN-UML. Laxmi Pandey, the incumbent Chairperson and a repeat candidate, is undergoing treatment at the local hospital after having sustained injuries.[9] NC and CPN-MC cadres have also clashed in Thulung Dudhkoshi Rural Municipality of Province 1, which left at least three people injured.[10] A violent clash has also been reported from Madi Rural Municipality of Lumbini Province, where cadres of CPN-MC and CPN-US reportedly attacked candidates from NC and CPN-UML, who have forged a local electoral alliance.[11]

There are also a number of reported cases of intra-party violence where disgruntled leaders and cadres have vandalized party offices and assaulted fellow members. For example, in Pokhara Metropolitan City, NC cadres vandalized their Gandaki Province Party Office and obstructed campaign programs, protesting against the leadership's decision to support candidates of the alliance. Local leaders and cadres were angry after the alliance declared Dhanraj Acharya of CPN-US as their common candidate for mayor.[12] In Chautara Municipality of Bagmati Province, an aspiring CPN-MC candidate who did not get the ticket to run for mayor reportedly obstructed the party's official candidate who was en route to officially file his candidacy. To disperse the protesting crowd, the police even had to resort to baton charges and fire tear-gas canisters.[13] In Khotang and Sindhupalchowk, NC was forced to change its municipal candidates after the disgruntled party cadres attacked the candidate nominated by the party and prevented them from filing candidacy.[14]

[3] Paudel, Ramesh Kumar. "Swotantralai fakauna-dabauna rajya shakti parichalit." Kantipur Daily, April 29, 2022. <https://ekantipur.com/news/2022/04/29/16511925673915253.html>.

[4] KC, Birendra. "UML ka bagi umedwar Acharyadwara umedwari firta." Kantipur Daily, April 29, 2022. <https://ekantipur.com/local-elections-2022/2022/04/29/165121828435784020.html>.

[5] "UML ka bagi umedwarlai karbahi." Naya Patrika. Naya Patrika, May 2, 2022. <https://nayapatrikadaily.com/news-details/85486/2022-05-02>.

[6] Election Commission, Nepal. "Election Code of Conduct 2072." Election Commission, Nepal. Accessed May 10, 2022. <https://election.gov.np/ecn/uploads/userfiles/Election20CoC20-20English1.pdf>.

[7] INSEC Online. "Rajnitik dalka karyakartabich jhadap, praharidwara hawaifire." INSEC Online. INSEC Online, May 5, 2022. <https://bit.ly/3wjiUDs>.

[8] "Maoist Socialist Alliance ka karyakartako kutaibata UML karyakarta ghaitey." Epathivara. Epathivara, May 4, 2022. <https://epathivara.com/4862>.

[9] Sharma, Narayan. "Hupsekot Rural Municipality ka adhakchya umedwarmathi aakraman." Kantipur Daily, May 4, 2022. <https://ekantipur.com/pradesh-4/2022/05/04/165162877017981653.html>.

[10] "Solukhumbu ma Maoist ra Congress ka karyakartabich jhadap hunda teen jana ghaitey." Hamro Update, May 3, 2022. <https://www.hamroupdate.com/03/05/2022/132531/>.

[11] "Alliance Ra CPN Maoist Ka Karyakartabich Jhadap." INSEC Online. INSEC Online, May 5, 2022. <https://bit.ly/3yrvUNC>.

[12] Pariyar, Deepak. "Alliance ko birodhma Congress karyalaya todfodh." Kantipur Daily. Kantipur Daily, April 29, 2022. <https://ekantipur.com/news/2022/04/29/165119532673022990.html>.

[13] "Sindhupalchowk ma Maoist ka dui pakchyabich jhadap, praharidwara ashrugas prahar." Mirmire Online. Mirmire Online, April 25, 2022. <https://www.mirmireonline.com/2022/04/25/209676/>.

[14] "Umedwari manonayanma dekhieka drishya: bipakchi hoina, aafnaisanga jhadap." Nepal Live, April 25, 2022. <https://nepallive.com/story/278956>.

Violations of the Code of Conduct

The ECN has published a number of guidelines on electoral campaigns, including the Elections Code of Conduct 2072, the Local Elections Directives 2073, and the Local Elections Code of Conduct 2073. One of the most important aspects of these guidelines is the spending limit placed on candidates contesting at different levels of municipal elections. They are also required to furnish details of their expenses within a month from the declaration of election results.[15] There are specific prescriptions for the use of vehicles, production, and distribution of campaign materials, and the use of communication mediums that include television, radio, and social media. They also prohibit the use of children for campaigning. However, political parties and candidates are openly flouting these guidelines. In our previous election brief, we discussed the increased cost of campaigning, which is above and beyond the limits placed by ECN. But beyond the issue of cost, the evidence for the violations of the electoral code is ubiquitous: from the use of loudspeakers to the mobilization of children for election campaigning.[16]

Taking note of such violations, ECN has been regularly requesting the political parties to refrain from such activities.[17] It has also instructed the local authorities to ensure all illegal campaign materials are removed from public places and warned the candidates that they could face a penalty of up to NRs. 100,000 or even lose candidacy under certain grounds. It has further instructed the business networks like the Federation of Nepal Chamber of Commerce and Industries and Nepal Chamber of Commerce to ensure that their members do not engage in producing campaign materials that have been prohibited by the commission guidelines.[18] These efforts by ECN may be noteworthy, however, the impact is not being reflected in the actions of the political parties.

PARTING THOUGHTS

One of the key strengths of democracy is its inherent quality to correct course in regular intervals, which can be achieved through periodic elections. Furthermore, this ability of voters to pick and to overthrow leaders gives them the sovereign right in the democratic process. However, as we witness the assault on democracy globally, be it through gerrymandering, engaging in financial irregularities, and promoting political cartels, among others, these acts are shaking the very foundation of free and fair elections. Our observation of Nepal's upcoming local elections reveals a worrying trend of a weakening of the electoral process that is slowly chipping away at the rights of every Nepali citizen and eroding their hard earned democracy.

To counter this phenomenon, there is a need to promote reforms that help ensure that elections remain affordable for candidates and that voters have a genuine opportunity to elect a candidate of their choice. These reforms can focus on new electoral laws that relate to campaign financing, but also on the implementation of existing policies that promote inclusion. We should also take note of the rising trend of pre-election alliance and ensure that this does not result in carteling by candidates during elections. A new public discourse should be taking place on how to fairly manage the need of political parties to strategize and to ensure that the voting public has an opportunity to elect a genuine representative of their liking. Equally important in all of this is to strengthen the democratic institutions like the media and the civil society, especially at the sub-national level. Their capacity to monitor, to voice concerns, and to demand accountability from political parties could prove effective in inducing the behavioral change among political actors and sustain incremental changes in this regard.

[15] "Rajnitik dal darta ra nirwahan kharchako adhikam hadh tokeko suchana." Election Commission, Nepal, March 21, 2022. <https://bit.ly/3M2L7Zs>.

[16] Baduwal, Dipendra. "Chunab pracharma balbalikaka prayog." Kantipur Daily, May 4, 2022. https://ekantipur.com/photo_feature/2022/05/04/165165375819847841.html.

[17] Election Commission, Nepal, Press Release, May 2, 2022, <https://bit.ly/39E8SsA>

[18] Election Commission, Nepal, Press Release, April 21, 2022, <https://bit.ly/3M4opAc>