

Nepal Parliamentary and Provincial Elections 2022: Pre-election Brief

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KEY MESSAGES

- New faces are emerging in Nepali politics, many as independents, but it is too early to say if their candidacy or even possible election will inspire long-term changes. Nevertheless, it will increasingly put pressure on political parties to nominate more young leaders for candidacy in the future. The days of septuagenarian leaders ruling the roost may well be over in Nepali politics.
- Caste and identity continue to dictate political and social alliances in the Terai-Madhesh region, where regional political parties are looking to cash in on outstanding discontents in order to challenge Nepal's larger, national political parties. This is not necessarily a negative development, but it is an expected direction in residual, sub-national political settlement.
- The political parties have once again backtracked on their commitment to inclusion by primarily fielding candidates from dominant caste and ethnic groups. They have also regressed on their commitment to gender parity in candidate selection. Women, Dalits and ethnically marginalized candidates have been bundled together on Proportional Representation lists, purportedly as "token" candidates.

- The Election Commission Nepal has been vigilant in ensuring that political parties and candidates adhere to the election Code of Conduct, and it has already taken action in several cases involving senior politicians. However, there are still underlying structural problems pertaining to how political campaigns are funded and elections are contested in Nepal. These problems drive political parties into a nexus with businesses, often creating a conflict of interest that lead to corruption. Unless such policy gaps are addressed through legal and electoral reforms, it will continue to undermine elections and Nepali politics.
- Public frustration with the established political parties and their leaders has led to anonymously run social media campaigns like #NoNotAgain, which discourage the public from voting for senior party leaders. This adds to the worrisome, pre-existing trend of social media platforms being misused, including to damage the credibility of political opponents. However, it is also indicative of growing discontent among voters and the need for electoral reforms that ensure greater accountability of candidates and elected representatives toward their constituents.

Nepal will vote on 20 November 2022 to elect a new federal and provincial parliament. More than 17.9 million registered voters will directly elect 165 members to the House of Representatives under the first-past-the-post (FPTP) system, while another 110 members will be elected through Proportional Representation (PR). At the provincial levels, a total of 330 Members of the Legislative Assembly (MLAs) will be directly elected across seven provinces, while 220 representatives will be elected through the PR system.

The country is holding its general elections six months after holding the Municipal Elections in May, earlier this year. At that time, PEI's election brief highlighted concerns regarding the political parties' candidacy selection and its implications on the potential representation of women and marginalized groups. The brief also discussed the discontent among local leaders who had lost out in the candidacy, resorting to intra-party feuds and violence as well as defection to rival parties. The upcoming parliamentary and provincial election has already witnessed similar defections and intra-party feuds. The nominations have now been filed and candidates are already campaigning; however, they are doing so under a more vigilant Election

Commission of Nepal (ECN), which has issued strict campaign guidelines, including on social media use.

New face, old face

If there is one refreshing aspect of the upcoming elections, it is the young candidates who are asserting themselves across the country. The tension between young aspiring leaders who are challenging the seasoned vanguards of Nepali politics was visible even during the municipal elections, and it was exemplified by the victory of little-known independent candidates, like Balendra Shah in Kathmandu and Harka Sampang in Dharan Sub-Metropolitan City of Province 1. Their victories seem to have inspired a cohort of young people, mostly in urban centres like Kathmandu and Lalitpur districts, who are now contesting as independent candidates, challenging senior politicians from different political parties.

Young medical doctor Toshima Karki (Lalitpur-3) is challenging Maoist leader Pampha Bhusal, while health activist Sachin Ghimire (Lalitpur-9) is contesting against Nepali Congress leader Uday Shamsheer Rana and CPN-UML candidate and former

Nepal Police officer Nabaraj Silwal. In Kathmandu, youth activist Pukar Bam (Constituency-1) is challenging senior Nepali Congress leader Prakash Man Singh, while former Nepal Army officer Pranaya Rana is contesting from Kathmandu-5, challenging CPN-UML Deputy Chairperson Ishwar Pokharel. There is also an interesting collaboration between the newly launched National Independent Party (NIP) led by journalist-turned-politician Rabi Lamichhane and several independent candidates who have agreed to contest under his party's electoral symbol while not necessarily joining the party. There is also collaboration between NIP and other independent candidates across various districts. Lamichhane is clearly looking to cash in on the current youth sentiment that favors independent candidates against established faces. Even large political parties have come under pressure to field more young leaders, given media and civil society's critical stance on senior leaders repeatedly contesting elections.

As per ECN data, approximately 35 per cent of candidates in the upcoming elections are contesting as independents. This means the number of independent parliamentarians elected could also be higher than previous elections. But it must be noted that many of these independents are in fact "rebel" candidates from established political parties. For instance, former UML Deputy Chairperson Ghanashyam Bhusal (who is contesting from Rupandehi in Lumbini Province) and another senior leader named Prabhu Sah (who is contesting from Rautahat of Madhesh Province) are running as independents after differences over candidacy selection. Similarly, former Member of Parliament (MP) and Nepali Congress leader Amresh Kumar Singh and Central Committee leader Dinesh Koirala are also contesting independently from Sarlahi in Madhesh Province and Chitwan of Bagmati Province respectively after being denied candidacy. As discussed in PEI's earlier elections brief, this is a continuity of the trend we witnessed during the municipal elections in May, in which many leaders defected to other parties or contested as independents after being denied party candidacy.

Opportunistic alliances

It is not just individual leaders that are shifting loyalties. The political parties themselves are putting aside past differences to enter into alliances that suit their electoral interests. In August 2021, former CPN-UML leader Madhav Kumar Nepal walked out to register a party called Communist Party of Nepal-Unified Socialist. Even before splitting the party, he had supported the opposition Nepali Congress and CPN-Maoist Center to bring down his own government led by Chairman KP Sharma Oli. Similarly, senior Madheshi leader Mahantha Thakur also registered a new Loktantrik Samajwadi Party (LSP) after having differences with the People's Socialist Party (PSP), which is led by Upendra Yadav.

Madhav Kumar Nepal's party, along with the CPN-Maoist Center led by Pushpa Kamal Dahal, are part of the Nepali Congress-led government at the federal level and in six of the seven provinces that have entered into an electoral alliance. The Yadav-led PSP, which was also in the alliance, recently crossed over to align with CPN-UML after differences with the Nepali Congress-led alliance over seat sharing in the upcoming elections. Consequently, Yadav's rival Thakur decided to join the ruling alliance, albeit with limited seats being offered. Former Maoist ideologue Baburam Bhattarai, who had joined Yadav to form PSP, has also decided to support the Nepali Congress alliance. His daughter, former PSP leader Manushi Yami Bhattarai, is also now contesting polls from CPN-Maoist Center. Meanwhile, Bhattarai has decided to step down from contesting elections, allowing Pushpa Kamal Dahal to contest polls from his earlier constituency in Gorkha of Gandaki Province. Aware of the ruling alliance flexing its muscles, KP Sharma Oli also entered into an electoral alliance with Rajendra Lingden's Rastriya Prajatantra Party, which continues to advocate for a non-secular Hindu state with a constitutional monarchy.

These shifts in alliances are not only crucial in terms of electoral outcomes but also indicate how Nepal's political parties and leaders have moved beyond ideological contestations to forge opportunistic



Nepali political leaders at BICC Parliament House, 2021. Photo: Gunjan Raj Giri, CC BY-SA 4.0, via Wikimedia Commons

alliances that suit their immediate political ambitions. It is also concerning that many parties have issued circulars expelling their members and leaders who have filed rival candidacies against the party's official candidate or alliance candidate, even while they continue to support rebel candidates of the rival alliance. For instance, the NC-led alliance has decided to back Bhusal in Rupandehi while UML is supporting Dinesh Koirala in Chitwan.

Identity matters in the Terai-Madhesh

In Madhesh Province, the split within PSP also indicates social and caste polarization. Mahantha Thakur and Rajendra Mahato, each representing “upper castes” and the so-called Other Backward Class (OBCs)¹ respectively, have been increasingly critical of what they view as Yadav's dominance in the province. In 2017, Thakur and Mahato came together with Upendra Yadav to form a majority party in the

province but have since parted ways over Yadav's supposed marginalization of other caste groups within the party and government. Yadav, meanwhile, has retained close relations with senior Muslim leader of the province and outgoing Chief Minister Lal Babu Raut Gaddi, mainly to appease Muslim voters, who make up 11.5 per cent of the provincial population. Given that Yadavs (14.8 per cent) are the largest ethnic population in the province and all senior leaders from the community have stood by Upendra Yadav, PSP remains strong among the region's political forces. It will be difficult for the ruling alliance, which is supported by LSP, to relegate Yadav to an opposition table.

Another ethnic mobilization is visible in Kailali and Bardia, the adjoining districts of Sudurpashchim Province and Lumbini Province, where Tharus are looking to gain the political upper hand over hill caste leaders. Local Tharu leaders, riding on the underlying discontent with the constitution and

¹ Other Backward Class (OBCs) is the official term used in India to refer to a group of so-called backward castes, including in the states of Bihar and Uttar Pradesh which border Nepal. We have used this category to explain similar contestation between the Yadavs, who also belong to OBC and the non-Yadav OBCs, in accordance with the definition used by the Nepal Backward Class Federation.

its federal demarcation, recently established the Nagarik Unmukti Party under the leadership of Resham Chaudhary. Chaudhary, who continues to face a jail sentence over his alleged role in the mob lynching of seven police officers and shooting of a child during the Tharuhat protests in 2015, contested polls independently from behind bars and was elected to the federal parliament from Kailali in 2017. Interestingly, the ECN denied Resham Chaudhary's candidacy after his criminal sentencing a few months back. But his father, Lalbir Chaudhary, and wife, Ranjita Shrestha, are contesting the polls from Bardiya-2 and Kailali-1 respectively. Anticipating the ECN's decision, Lalbir Chaudhary filed independent candidacy from Bardiya-2, which is where Resham was supposed to contest. The party has fielded 30 candidates at the federal levels and 55 candidates for the provinces, but its major focus will now be in Kailali and Bardia districts, where the party has strong support. Although Unmukti Party was in conversation with Nepali Congress to forge an alliance, the party ultimately decided to contest elections on its own. It is likely, however, that the party could throw its weight behind the ruling alliance in the event that it manages to secure federal and provincial seats.

These developments indicate that caste and ethnic identity still matter in Nepal's plains districts, which were flashpoints for identity-based political movements during the constitution drafting years.

In the name of inclusion

While fielding candidates, the political parties have once again chosen to disregard the government's agenda for inclusion. The fact that women make up only 9.3 per cent of the 2,412 total candidates contesting direct elections across the country in 165 federal parliament seats is an indication that Nepal's political parties not only suffer from internal democratic deficit but are run by men with deep-seated patriarchal mindsets that view women as less competent. Figures look just as disappointing at the provincial levels, where women candidates comprise only 8.7 per cent of the 3,224 candidates

contesting 330 seats across seven provinces. The lowest representation is in Karnali Province, where the parties have fielded women candidates for less than 3 per cent of seats. Mahendra Sah Teli, who is from the Nepal Janata Party and contesting for a Provincial Assembly seat from Sarlahi-2 in Madhesh Province, is also the only sexual minority candidate this election cycle.

The parties have also disappointed in ethnic representation and the inclusion of marginalized groups, choosing to disproportionately field candidates from so-called high caste groups in the Terai and hill districts. These groups have the highest share of representation – at 40 per cent candidacy – but only represent 32 per cent of Nepal's population. Close to 56 per cent of candidates fielded by major political parties like Nepali Congress, CPN-US, CPN-UML and RPP belong to hill “upper castes.” Meanwhile, the hill ethnic groups, who collectively make up approximately 35 per cent of the population, have a mere 25 per cent of the candidacy. Dalits, who make up around 14 per cent of the population, are also grossly underrepresented, with only 4.5 per cent candidacy.

This exclusion is also glaring at the provincial level. For instance, Magars and Tharus in Lumbini Province, who constitute 15 per cent of the population when combined, have received 4 per cent and 9.8 per cent candidacy respectively. In the Madhesh Province, the OBCs have more than 63 per cent candidacy despite a population of less than 48 per cent. The Yadavs dominate candidacy, claiming nearly one-quarter of all seats, while the non-Yadav OBCs constitute 40.9 per cent of all candidates. This has left other large groups, like Muslims and Madheshi Dalits, grossly underrepresented. The fact that the province was led by a Muslim Chief Minister for the past four years but Muslims still remain under-represented in the province suggests that the political parties have watered down the idea of inclusion to mere tokenism. This is due to Yadavs and non-Yadav OBCs dominating top-level leadership across various political parties in the province, much like how the hill “upper castes” have dominated leadership at the federal level. In



2013 CA Election of Nepal. Photo: Krish Dulal, CC BY-SA 3.0, via Wikimedia Commons

Karnali Province, the major parties have fielded more than 82 per cent of the candidates from the hill “upper-caste” group, leaving at least 50 per cent of the population underrepresented. Janajatis have received only 11.5 per cent candidacy in the province, while Dalit candidates will now be representing nearly one-quarter of the provincial population at less than 6 per cent. This trend resembles candidacy patterns during the last local elections, which took place in May, earlier this year.

While the ECN appealed to political parties to adhere to the constitutional guidelines of providing PR to all sections in their candidacy selection, the parties seem to be manipulating the electoral laws by balancing off the disproportionate representation in the direct elections through PR candidate lists that they submitted to the ECN. These manipulations will ensure that privileged caste groups continue to hold political clout, reducing candidates from marginalized backgrounds to mere “token” representatives without a clear political

constituency they can consolidate and build their career around.

In the build-up to the elections, we have witnessed increasing discontent among the general population, especially against large political parties and their senior leadership. Social media trends such as #NoNotAgain reflect pent-up frustration against senior leaders who have been at the helm of parliamentary politics for several decades, supposedly for their failure to deliver on public aspirations for inclusive and better governance. Sensing public anger, political parties have made some effort to field young candidates who do not have political baggage. As a result, at least 31 per cent of candidates in the upcoming elections are under the age of 40. Further, candidates younger than 50 make up more than 60 per cent. This is an encouraging development in a country that is still being governed by septuagenarian politicians and likely an indication that Nepal’s political landscape may finally be changing.

Business of politics

PEI's earlier pre-election brief provided evidence that local leaders with strong networks or businesses are more likely to secure candidacy and fund their election campaigns – campaigns that are becoming more and more expensive. As per the final local elections result, at least 201 elected representatives² have a direct or indirect stake in local businesses, particularly construction-related contract businesses. The data corroborates SOAS/PEI's research on sub-national Small and Medium Enterprises (SMEs), which found that several business owners interviewed for the study were already engaged in politics or seemed motivated in doing so, reportedly to protect and advance their business interests. A similar trend is reflected in the candidacy selection for the upcoming federal and provincial elections.

Almost all major political parties have provided a running ticket to members of the business community. For instance, Binod Chaudhary, who has a net worth of \$1.5 billion USD as the founder and chairman of Chaudhary Group, is contesting from Nawalparasi in Lumbini Province as a Nepali Congress candidate. Chaudhary, who was previously close to CPN-UML and had been nominated a member of the 2008 Constituent Assembly, joined Nepali Congress in 2017. RPP leader and businessman Bikram Pandey is also contesting at the federal level from Chitwan-3. Pandey owns one of Nepal's largest construction companies, Kalika Constructions, which regularly secures contracts for government construction projects. Another businessman, Mohan Acharya, the owner of Rasuwa Constructions, is also contesting from Rasuwa district. Acharya, who is a Nepali Congress leader, was also elected in the 2017 elections from the same constituency. Former Minister Krishna Kumar Shrestha (Kisan) and Dhan Bahadur Buda, both CPN-US leaders, are also contesting from Bara in Madhesh Province and Dolpo in Karnali Province respectively. Other contractors, like Resham Bahadur Lama from Kavre and Prem Tulachan, are

contesting under CPN-UML. Similarly, Birendra Prasad Mahato, who is the brother of influential businessman Upendra Mahato, is contesting from PSP in Siraha of Madhesh Province, while the owner of Nobel Hospital and Medical College, Sunil Sharma, is contesting from Nepali Congress in Morang-3. The political parties have also fielded other businessmen, such as Anil Kumar Rungta in Madhesh Province and Umesh Shrestha.

While it is not uncommon for members of the business community to contest elections and hold public office, the lack of effective laws defining conflicts of interest has allowed them to participate and influence parliamentary and executive decisions that favor their businesses. For instance, lawmakers were blamed for diluting the Banks and Financial Institution Act in 2016, which would have barred elected representatives from holding decision-making positions in financial institutions. Similarly, attempts to stop the over-extraction of natural resources and reform the education and health sectors have been repeatedly thwarted by leaders who have deep stakes in businesses.³

Without a law that clearly defines business and political conflicts of interest, the candidacy and election of representatives from the business community will continue to pose governance dilemmas. Part of this problem also lies in the dependency of political parties and their leaders on businesses to secure funds for their electoral expenses, which occurs at both the national and sub-national levels. While ECN's strict guidelines on campaigning may have reduced election expenses to an extent, candidates still struggle to meet those expenses, which makes them dependent on their business networks to do so. SOAS/PEI's municipal and provincial tracking exercise has also shown that Mayors who own businesses are actively supporting the election campaign of their political patrons at the provincial and federal levels. One of these key forms of support includes mobilizing local sand

2 स्थानीय सरकारमा २०३ ठेकेदार (nayapatrikadaily.com)

3 <https://kathmandupost.com/2/2022/10/20/contractors-with-deep-pockets-are-wading-into-electoral-politics>

mining contractors for election funds. Other kinds of support include arrangements for transportation, food provisions, communication expenses and other volunteer mobilization expenses. This exhibits a clear business-politics nexus in the election process, which will continue to thrive at all three levels of government if left unchecked.

Closer vigilance

The ECN has already issued a Code of Conduct for the upcoming elections and has also been broadcasting and publishing voter education materials, especially through mainstream media and social media platforms. At the same time, it has issued regular circular notices and directives to the political parties and the candidates, reminding them to follow the Code of Conduct while campaigning.

In the past, the commission has often been blamed for being too lenient on candidates, especially with regard to their campaign code violations. This time, however, it has issued several notices to senior leaders for their campaign violations and initiated punitive actions in some cases. Last month, the ECN recommended that the District Administration Office in Rautahat district take necessary action against CPN-US Chairperson Madhav Kumar Nepal for violating election codes during his campaigning. Nepal had allegedly violated campaign codes by promising jobs to his local voters. Similarly, the ECN annulled the candidacy of those it found to be in violation of the electoral codes. The candidacy of Resham Chaudhary, the Chairperson of Nagarik Unmukti Party, was invalidated due to his criminal sentencing. Last week, the ECN also issued a notice cancelling the candidacy of Nepal Swatantra Party

candidate Dr. Toshima Karki, allegedly for holding a public position of influence that is against the ECN's Code of Conduct. However, Karki challenged the commission's decision in the Supreme Court, which has stayed the decision, thus allowing her to contest the elections. In other cases, the ECN has sought clarifications and issued warnings to several leaders, including to CPN-MC Chairperson Pushpa Kamal Dahal for campaign code violations.

The ECN has also issued a public notice reminding individuals and groups not to engage in activities that compromise a free and fair electoral process. The commission has taken serious notice, in particular, of the anonymously led #NoNotAgain social media campaign, which discourages voters from voting for senior leaders in various political parties. The ECN has argued that such campaigns compromise the integrity of the elections. The commission has not responded, however, to a campaign demanding that the electoral laws be reformed, particularly the "Right to Reject" and "Right to Recall" clauses that enable voters to reject candidates and recall elected candidates if they do not deliver on public expectations. While the need for such provisions warrants deeper discussion, at the core of this discontent is the fact that the political parties and senior leaders have been excessively focused on securing electoral victory rather than meaningfully working on the political, development and economic agendas around which they are expected to contest elections. It is unsurprising that the election manifestos published by political parties have failed to appeal to the public. If this swelling public discontent remains unaddressed, Nepal could witness low voter turnout in future elections.



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