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Nepal: Post Election Scenario: Challenges Ahead: Update No. 289

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The Election Commission formally announced the results of the elections to the second Constituent Assembly on 3rd December.

Quite unexpectedly, the UCPN (M) of Dahal, TMDP, the Sadhbavana splinter groups, MJF (Republican) and other fringe parties boycotted the press meet on the grounds that the voting was rigged- a typical stand of the "losers"

The PR mode of elections gave the following results. (the results of the FPTP were given in the previous update)

| Party | No. Of votes | No. of seats of parties |
|-----------------------|--------------|-------------------------|
| Nepali Congress | 24,18,370 | 91 |
| UML | 22,39,609 | 84 |
| UCPN (M) | 14,39,726 | 54 |
| RPP N | 6,30,697 | 24 |
| MJF (D) of Gacchadaar | 2,74,98 | 10 |

| | | |
|-------------------------|----------|----|
| RPP | 2,60,234 | 10 |
| MJF(N) of Upendra Yadav | 2,14,319 | 8 |
| TMDP | 1,81,140 | 7 |

The total votes polled in the PR was 79.82 percent and this was more than that of FPTP which was 78.34 percent. (The difference can be explained by more invalid votes in the FPTP system)

The Nepali Congress finally led in both the FPTP and the PR though initially, it was the UML that was leading in the PR system.

The RPP- N and the RPP together performed beyond expectations though the latter did not get a single seat in the FPTP system.

The once powerful Terain groups were thrown to the bottom which they deserved with all the internal feuds and splits into small and smaller factions like the Sadhbhavana.

Though no party gained a majority by itself, the combined strength of Nepali Congress and the UML is more than fifty percent but not to 66 2/3 percent to effectively and decisively amend or pass major laws.

Major challenges

It was surprising that the focus of almost all the parties in the election campaign was on economy, development, role of government, other social issues, empowerment of marginalised societies etc., and not on the type of constitution or identity based politics.

It is hoped that the parties will realise and inform the public that their primary task now is to write an acceptable constitution and promulgate it within the shortest possible time. The focus will have to shift.

While the election itself went off smoothly with overwhelming response from the people in spite of threat of violence from the Maoists of Baidya faction, the hard part of forming the government and solving the structural and contentious issues in the new constitution to be drafted within the span of one year is going to be the most difficult one.

The previous constituent assembly in spite of staying on for four years with many extensions was unable to resolve the contentious issues and it will be a miracle if the present one can get a draft constitution and promulgate it within a year as has been promised by the mainstream parties.

There is already a demand that the present CA should start afresh (RPP-N) but that would be a disastrous beginning. Besides taking a long time, the Maoists and the Terain groups will be up in arms creating more problems than what could be handled right now and it would then take many years to finalise the constitution!

The UML leader Madhav Nepal was quoted as saying that they do not mind even reviewing the 1990 constitution with some changes! Though this would be welcomed by the two RPP factions, all other parties would call it a regressive step and may oppose vehemently! Madhav Nepal has since denied that he made any such statement!

One of the analysts (Dinesh Bhattarai in the Republic) rightly pointed out that Nepal=s difficulties arise because of the failures of its leaders who can never match the maturity of the voters. How true!- as we shall see now.

The Nepali Congress:

There is no doubt that people have put great faith in the grand old party- the Nepali Congress in voting overwhelmingly this time. From 37 seats in 2008 under FPTP they now have 105. Added to this will be another 91 seats from the PR making it the largest party in the assembly. There could be a temptation to disregard the views of other parties. There could also be a temptation to believe that people have already given their verdict on the stand of the Nepali Congress that division of states should be on geography and economic sustainability rather than on ethnicity and identity. This will be a wrong approach and perhaps the NC and UML should listen to both UCPN (M) of Dahal and the Madhesi parties and discuss with them as to why they prefer ethnicity based provinces within the federal union.

Mahesh Acharya, a Central Committee member fired the first salvo even before the results were officially announced that the Nepali Congress would strive for a national unity government under the leadership of his party and that ethnicity based federation was not acceptable to them. He could have waited and allowed the party spokesperson to give detailed views on all aspects.

The Chairman of the Nepali Congress was more conciliatory. He said that he would look for consensus but was firm in sticking on to the amendment of Article 36 (C) of the interim constitution, that allowed a majority decision where consensus was not possible. His statement that said “ We, the major parties had made an understanding before Nov 19 elections that we will complete the task of drafting the new constitution within six months and promulgation within one year. I am determined to achieve it.” What should be welcomed is his willingness to abide by previous decisions.

The problem that will be faced by the Nepali Congress is not with its rank and file but with the three top leaders Koirala, Paudel and Deuba. This “troika” has not worked smoothly and it is time they either sink their differences or give the leadership to lead the government to someone else or a group.

The UML:

The UML has performed extremely well. With the rise of the Maoists in the 2008 elections and their determination to remain the sole leftist party to the elimination or marginalization of other leftist parties, it was thought that UML would have difficulty in retaining its hold amongst the people. Added to this was the problem of their stand on ethnicity which resulted in the exodus of most of the janajathi leaders.

All the three top leaders Madhav Nepal, Jhalanath Khanal and K.P.Oli have won with substantial margins in addition to Bamdev Gautham. Though it was a strong comeback for the party, some top leaders like Iswar Pokharel, Shankar Pokharel, Pradeep Gyawali and Ramnath Dhakal lost.

If one looks at the political spectrum in Nepal, ideologically both the Nepali Congress and the UML are not far from each other. If only both could operate together, one can expect a long spell of stability and economic prosperity. The initiative is with the Nepali Congress and not with the UML.

The UCPN (Maoist) of Dahal:

Though it cannot be described as a ‘rout’, the poor performance of the Maoists must have been a surprise to them. They appear to be bad losers and for a while were even boycotting the counting of votes alleging conspiracy and vote rigging.

Once the results became clear, they alleged mass irregularities during voting and while ferrying the ballot boxes to the counting centres.

Soon, Baburam Bhattarai, more for the consumption of his cadres said bravely that his party's defeat did not mean that the people have rejected its agenda which according to him had become the "national agenda". His party's agenda is said to be federalism, republicanism, secularism, national economic transformation and empowerment of the people.

In the meeting that followed the debacle, the party decided on the following.

1. The party will not join the Constituent Assembly until the Election Commission orders an independent investigation into the allegations of systematic rigging in the elections.
2. Till that time, the party will not submit its list for proportional representation.
3. The other parties should accept their proposals
4. Parties must accept the spirit of peace process and address the agenda of their party.

Having lost the election decisively, it is too much for the Maoists to demand that their agenda should be followed in toto. Perhaps it is their opening bid but are likely to move to a realistic position soon. It is expected that in spite of all their rhetoric, they are likely to join the new CA. They also want to revert back to the consensus provision that was in the initial 2006 constitution but later amended to majority decision when consensus eludes, in 2008.

If the consensus provision is to be retained as per the provision in the 2006 constitution, nothing will move and it will take many years for another acceptable constitution. Chairman Koirala had said that they would look for consensus first on all the issues, but would retain the amendment when consensus becomes difficult.

The Madhesi Groups:

It would take another long paper to discuss the disastrous performance of the Madhesis. In places like Morang where the Madheis outnumber the Pahadis, it is the Pahadi candidates of the NC and the UML who have won. This should not be a surprise as most of the parties have split into many smaller factions fighting against each other instead of fighting as a united front. One should only look at the fall of the mighty MJF leader Upendra Yadav to realize what had happened to the Madhesis!

Having lost, just like the UCPN (M) Dahal, the tiny madhesi parties are expected to make more noise than what they should and before demanding empowerment of the Madhesis, they need to make an introspection of the state of the parties and their opportunistic leaders. Of the many Madhesi leaders, only Mahant Thakur of TMPP has come out unscathed, though he himself had lost.

It is said that it will take a month for the government to be formed. The first issue that needs to be settled will be whether the present president Ram Baran Yadav could be allowed to continue as he is entitled to under the constitution or a new president is elected as is being

demanded by all parties other than the Nepali Congress. It would be better if the President having done more than five years retires in glory rather than get involved in an avoidable controversy!

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