



## LOCAL LEVEL ELECTION – 2022 (PERIODIC UPDATE I)

### Mobilization and Incidents Surrounding Local Level Election

(This update is produced by Collective Campaign for Peace (COCAP) in collaboration with partners. It covers electoral developments, instances of violence, and contestations from April 1 to April 15, 2022)

## SUMMARY OF ELECTORAL CONTESTATION

The Government of Nepal announced the date for local level election on February 7 after consultation with the Election Commission of Nepal (ECN). The **local level election is scheduled for May 13, 2022** in a single phase across all **753 municipalities and rural municipalities in the country**<sup>1</sup>.

The electoral environment since the announcement of the election date on February 7 until April 15 (around 2.5 months period) has remained largely peaceful compared to roughly the same duration during the 2017 local election.

The instances of violence observed during this period are mostly intra-party disputes related to mobilization and nomination of candidates.

Only a handful of violent election related incidents (mostly vandalism and assault) have been observed in contrast to 2017 local level election. NepalMonitor<sup>1</sup> had recorded 69 violent incidents including 3 incidents involving the use of IEDs (Improvised Explosive Devices) and 43 other incidents (mostly vandalism, arson or protests turning violent) over the same duration in the 2017 local level election.

## OVERVIEW OF LOCAL LEVEL ELECTION - 2022

The local level election scheduled for May 13, 2022 is the second local level election after the promulgation of the new constitution in 2015, that established landmark changes of federalism, secularism, and inclusiveness among others in Nepal.

The first local level polls were held in 2017 in three phases – on May 14 in Bagmati, Gandaki and

Karnali provinces, on June 28 in Province 1, Lumbini and Sudur Paschim provinces, and on September 18 in the Madesh province.<sup>2</sup> A total of 1,48,364 candidates representing 57 parties and independent candidates had contested for 35,221 seats including the position of Chairperson, Deputy-chairperson, and five members in the Ward Committee.<sup>3</sup>

<sup>1</sup> [NepalMonitor](#) is an online platform that monitors, tracks, and analyzes the trend of violence surrounding Gender-based, Governance, HRDs, and Electoral issues

in Nepal with the objective of enhancing the understanding of violence dynamics and supporting policy interventions.

The data published by the election commission in March 2022, shows an **addition of 3.7 million voters** compared to the local level election in 2017 with **17.7 million or roughly 61% of the total population eligible to vote.**<sup>4</sup> Also, **the number of parties registered for local level election has increased to 79 from 57 in the last local polls** bringing in actors like CK Raut<sup>2</sup> and his Janamat party who were identified as one of the major threats in the last election.

The Local level election - 2017 was an important milestone in implementing the new constitution. The announcement of the second local level election has cemented the constitutional practices in governance, though the process didn't go undebated. The provisions in the Constitution of Nepal-2015, and the Local Level Election Act-2017, deriving different conclusions related to polling date of the local level elections brought difference of opinion among the parties and other stakeholders.

As per Article 215 (6) of the Constitution, the terms of office of the chairperson, Deputy-chairperson, ward chairperson and members shall be of five years after the date of being elected.<sup>5</sup> However, Section 3 of the Local Level Elections Act-2017 states that elections at the local levels shall be conducted two months prior to the completion of their terms<sup>6</sup>. As per this Article, the local level representatives must have been elected by March 2022.

This has created speculation around legal implications regarding local level election, in particular about the candidature of incumbent representatives in power amidst the fixation of the date for local level elections and preparation being done by ECN.

The Election Commission filed a petition on April 13 at the Supreme Court seeking to vacate a short term stay order against **Section 36 of the election code of conduct that requires local representatives who want to contest in the May 13 local level election to resign before filing nomination papers.**<sup>7</sup> The case remains to be decided at the April 17 hearing. If the court decides to continue the stay order or cannot hold court hearing in the case till the day of filing nominations on 24 and 25 April, the order issued by the Supreme Court would remain in force.

With less than a month left for local level elections, the debate has also resurfaced on whether the election will be conducted on the scheduled date. Two partners in the coalition government, Communist Party of Nepal (Maoist Centre) and CPN (Unified Socialist) initially lobbied to shift the date of local election by six months and conduct federal and provincial elections earlier. However, both parties are now preparing for local level elections at the scheduled time following an agreement within the coalition.

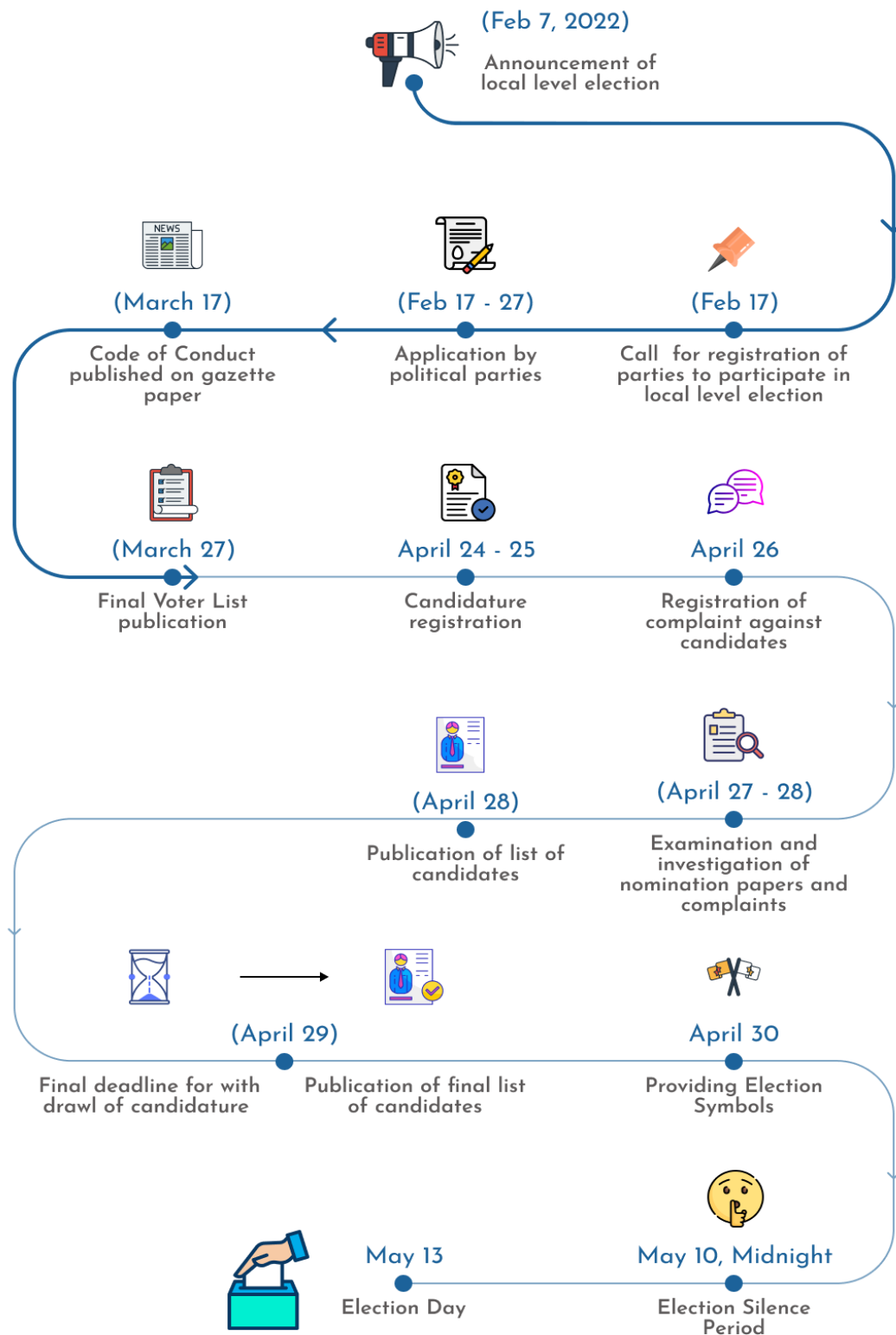
Political party leaders also frequently accuse each other of trying to postpone the local polls. However, the Election Commission has continuously reassured that the local level polls will be conducted on the scheduled date.

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<sup>2</sup> CK Raut is the chairperson of Janamat party who was previously led the Alliance for Independent Madhes,

to establish a separate country for the Madhesi people.

## Timeline of Local Level Election 2022



(Source: Election Commission of Nepal)

## ELECTORAL CODE OF CONDUCT

The Code of Conduct for the local election came into force on March 17 after it was published in a gazette paper by the government. Broadly the Code of Conduct addresses issues like campaign practices, resource mobilization, the role of media, and campaign finance.

On April 5, the **Election Commission issued a 60 points directive** and summoned a meeting of political parties to collect their signature of pledge to follow the election Code of Conduct.

The Election Commission also established a code of conduct monitoring committee under the leadership of Election Commissioner Ram Prasad Bhandari at the central level and formed mechanisms right up to the local level to check the effective implementation of the Code of Conduct.<sup>9</sup>

Despite the Election Commission's claim that the Code of Conduct had been formulated through two years of intensive discussions, suggestions from various stakeholders, and consultation with political parties, some small opposition parties lamented the lack of discussion during the formulation of the Code of Conduct.<sup>10</sup>

The main opposition parties CPN (UML) also refused to sign the letter of pledge regarding the Code of Conduct and raised formal objections on some points of the Code of Conduct including **restriction on posting election-related content on social media accounts, barring candidates from using their election symbols and their parties'**

**flags except at their offices**, barring from making any disputes about the decisions made by the voting officers amongst few others.<sup>11</sup>

The Code of Conduct also tries to address issues around transparency of political parties' campaign financing. Thus, a provision has been included for **donations exceeding Rs 25,000 to be made through banking transactions only**. This provision aims to track the source of political parties' income.

Similarly, the Election Commission has put a **maximum limit of Rs 7.5 lakhs on campaign spending** by candidates for positions of Chairperson and Deputy-chairperson of Metropolitan City and even lower limits for Sub-metropolitan City, Municipality, and Rural-municipality respectively as in the last election held in 2017.

Parties, however, claim that these amounts in practice are insufficient and do not consider factors like inflation. There is also a general perception that actual campaign expenditures of candidates run into millions and the Code of Conduct regarding campaign finances is neither followed nor enforced.<sup>3</sup>

To build confidence in the election process and ensure that the outcome is accepted by all, candidates and political parties should adhere to the Code of Conduct and the Election Commission strictly enforce it.

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<sup>3</sup> A report of a campaign finance monitoring mission conducted in the 2017 election showed that 57 percent of the candidates exceeded the overall spending limit and two-thirds of candidates exceeded

at least one of the categorized limits and 90 percent of candidates underreported their expenses to the Election Commission of Nepal (ECN).

## ELECTION SECURITY AND ELECTORAL ENVIRONMENT

The role of security in elections cannot be overstated. Security is essential to the fairness and integrity of the entire electoral process and has remained one of the key concerns for this local election.

After the announcement of the date for the local election, the government endorsed an integrated security plan. The Election Commission also made legal provisions for election security by issuing an **Elections Security (Management) Directive, 2022** with the objective of holding the elections in a fair, free, impartial, and fearless environment.

The directive stipulates the provision of providing security for election officer, office of election officer, election materials, election candidates and their attorneys, voters and general public, ballot box and ballot papers, electoral rolls, polling centres and employees deputed there, leaders of political parties, election campaigns and rallies, election observers and media persons, among others. The directive requires security agencies to ensure the security of persons, places and materials specified by the law.

In addition, a meeting of the Central Security Committee<sup>4</sup> on March 25, gave directives to seize all licensed arms during the period of the election to ensure a terror free and secure election environment. However, according to the Joint Secretary of the Peace and Security Division of the Home Ministry, Phanindramani Pokhrel, the government does not have an exact record of the ownership of licensed small arms by civilians.<sup>12</sup>

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<sup>4</sup> The Central Security Committee is a mechanism comprising the Home Minister, Chief of Nepal Army, Chief of Nepal Police, Chief of Armed Police Force, Chief of National Investigation Department and Chief of Peace and Security Division of Home Ministry.

The statistics of Nepal Police showed that only 20,043 licensed small arms of the total 21,247 licenses distributed, were handed over to Nepal Police in the last election in 2017.<sup>13</sup>

Political dynamics invariably influence the pattern of electoral violence. In 2017 the local level elections were conducted in three different phases, mainly due to security concerns, with ethnic based protests and dissatisfaction among Madeshbased parties as one of the major obstacles to hold timely elections. Communist Party of Nepal (Biplav)<sup>5</sup>'s fundamental opposition against the parliamentary system also posed a serious security threat in conducting the local level polls in 2017. The data on electoral violence in 2017 recorded by NepalMonitor showed Communist Party of Nepal (Biplav) as major actors responsible for violent incidents during the local level elections. Also clashes in the context of protests of Madeshbased parties led to violence in a number of instances.

The current political dynamics vary significantly from that in 2017. CPN (Biplav) is in the mainstream peaceful politics after inking a peace deal with the previous government on March 5, 2021.<sup>15</sup> Although Communist Party of Nepal (Biplav) has not registered itself at the Election Commission to contest in the local level polls, they have refrained from engaging in violent activities unlike the last election.

As per the media reports, the cadres of Communist Party of Nepal (Biplav) in some local

<sup>5</sup> Communist Party of Nepal (Biplav) is a breakaway faction of Maoist party led by Netra Bikram Chand aka Biplav.

levels have declared their independent candidature. For instance, the cadres declared independent candidacy for the position of Rural Municipality Chairperson and Ward Chairpersons in different wards of Tinau Rural Municipality of Palpa. The cadres declaring candidature mentioned their decision was based on party's policy to utilize local level election.<sup>16</sup>

However, the party chairperson Biplav's statements in the media reaffirms their preference for a referendum rather than general elections. The party circular sent by the chairperson Biplav in March 27, as per the media reports, mentions of not participating in local level elections but encouraging and supporting the candidates with similar political agendas.<sup>17</sup> To sum up, though **the position of Communist Party of Nepal (Biplav) remains ambivalent with regards to the local level election, and their stance to boycott does not look as violent and rigid as before.**

The CK Raut led group that was previously termed a secessionist force signed a 11 point agreement on March 8, 2019 with the government and entered mainstream politics by promising to not engage in violence and resolving political issues peacefully.<sup>18</sup> CK Raut also started the Janamat Party which was the first party to register for local level polls in 2022. The only party that had declared to boycott local level elections in 2022 is the CPN (Revolutionary Maoist), led by Mohan Baidya.<sup>19</sup> The CPN (Revolutionary Maoist) had called for a boycott of the last election but did not use any violence to enforce their call for boycott.

It is worth noting that, both the Janamat Party,

and Communist Party of Nepal (Biplav) have used this local level election as a tool to have their demands addressed. Both have similar demands centered around releasing their cadres arrested on various charges.<sup>20</sup> The home minister Bal Krishna Khand informed that the government had already begun procedures to release the cadres as per the agreements signed in a meeting with both parties on April 15. **This points towards an increased constructive dialogue between the government and past election boycotting forces which can be viewed as a contributing factor to a peaceful electoral environment.**

Meanwhile, the central leadership of the parties in the federal government coalition<sup>6</sup> are pushing for alliance between parties within the coalition while contesting in the local level elections.<sup>21</sup> However, support and preferences for the electoral alliance between coalition parties vary from one local level to another. The parties in coalition are vying to contest alone on many local levels and are also looking for alliance with parties outside the coalition where they deem it electorally advantageous.

This might affect the dynamics of contestation among and within the parties. "Intra-party rift and conflict between parties could be the biggest threats during the upcoming elections," said Phanindra Mani Pokharel, spokesperson for the Ministry of Home Affairs. Mentioning the possibility of creating disruptions by those who would be deprived of tickets, Pokharel added, "We are foreseeing a different kind of security challenge this time rather than conventional threats, when there used to be bombing, arsons and boycotts."<sup>23</sup>

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<sup>6</sup> The federal government is formed with the coalition of the Nepali Congress, Communist Party of Nepal

(Maoist Centre), CPN (Unified Socialist) and the Janata Samajwadi Party.

## ELECTION RELATED INCIDENTS

NepalMonitor recorded only 3 incidents related to electoral violence as of April 15, starting from the announcement of election on February 7, 2022.

- **April 06: Nepali Congress Party cadres assault Chairperson of Rural Municipality in Dhading**  
Rana Bahadur Tamang, Chairperson of Khaniyabash Rural Municipality (election from Nepali Congress) in Dhading was attacked by cadres of Nepali Congress during a discussion over the selection of candidate for upcoming local election on April 5. Tamang reported that he sustained injuries on his face in the attack. Tamang claimed that a pistol was also fired before the incident. The dispute over the incident started after Tamang expressed desire to be a candidate for Rural Municipality Chairperson again.
- **April 09: Communist Party of Nepal (Maoist Centre) cadres vandalize residence of Adanchuli Rural Municipality Chairperson in Humla**

Cadres of Communist Party of Nepal (Maoist Centre) pelted stones at the residence of Dal Bahadur Fadera, Chairperson of Adanchuli Rural Municipality of Humla Dakshin Dhika on April 9, midnight in retaliation for alleged vandalism and attack by cadres of CPN-UML led by Fadera earlier on April 8.

- **April 13: Communist Party of Nepal (Maoist Centre) cadres vandalize their own party office in Birgunj**

Communist Party of Nepal (Maoist Centre) cadres on April 13 vandalized their own district office in Radhemai of Birgunj Metropolitan city over dissatisfaction with the activities of the District Coordination Committee formed by the party for the upcoming local election. The disgruntled group also padlocked the party office and demanded the resignation of the district coordinator and secretary.

## ENDNOTES

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2. Supreme Court accepts petition challenging date of local level elections (kathmandupost.com)
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5. [https://www.moht.gov.np/downloads/Constitution%20of%20Nepal%202072\\_full\\_english.pdf](https://www.moht.gov.np/downloads/Constitution%20of%20Nepal%202072_full_english.pdf)
6. <https://election.gov.np/ecn/uploads/userfiles/sthaniyatahakonirwachanainpahilosansodhansahit.pdf>
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10. <https://www.setopati.com/politics/266732>
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13. Ibid
14. Violence Monitoring during Nepal's Election 2017 by F H (prezi.com)
15. KP Oli government signs three-point agreement with Netra Bikram Chand led CPN - The Himalayan Times
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18. <https://kathmandupost.com/national/2019/03/08/ck-raut-quits-secessionist-movement-joins-mainstream-politics>
19. <https://kathmandupost.com/national/2022/04/06/election-security-concerns-arise-from-parties-fighting-polls>
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21. <https://kathmandupost.com/national/2022/04/06/election-security-concerns-arise-from-parties-fighting-polls>
22. Violence Monitoring during Nepal's Election 2017 by F H (prezi.com)
23. <https://kathmandupost.com/national/2022/04/06/election-security-concerns-arise-from-parties-fighting-polls>