

House of Representatives and Provincial Assembly Elections 2022

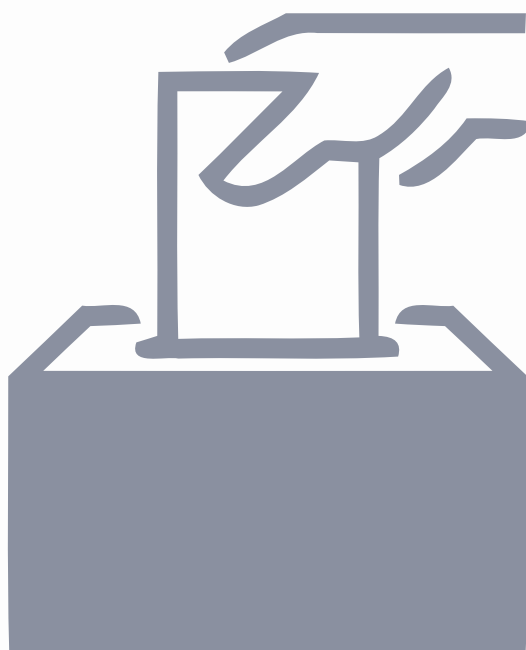


Election Day Update (August 1 - 31)



Inside the Periodic Update

- **Code of Conduct released by Election Commission Nepal**
- **Political parties mulling electoral alliance for gains**
- **Managing too many aspirants: a hard nut to crack for political parties**
Independent candidates eyeing elections
- **Nepal Communist Party (Revolutionary Maoist) decides to boycott the federal and provincial elections**



1. OVERVIEW OF HOUSE OF REPRESENTATIVES AND PROVINCIAL ASSEMBLY ELECTIONS - 2022



Amidst uncertainties regarding the date of elections, the government of Nepal set the federal and provincial elections for November 20. This is the second federal and provincial elections after the promulgation of Constitution of Nepal in 2015.[1]

The government made the announcement on August 4, a day after the meeting of the ruling coalition party leaders suggested the government conduct both the federal and provincial elections combinedly at a single phase on November 20. The government decisions also came in line with the suggestion of the Election Commission, which had proposed November 18 as the polling day during the meeting with the Prime Minister Sher Bahadur Deuba earlier in July.

The election commission recommended conducting nationwide polling on a single day though the federal and provincial elections in 2017 were on two different dates: November 26 and December 7 in 2017, the federal and provincial elections were conducted at 32 mountain and hill districts on November 26, and on December 7 at the remaining 45 districts.

Nepal has a mixed electoral system consisting of both first-past-the-post (FPTP) voting and proportional representation (PR) voting in provincial and federal elections. The federal parliament consists of 275 members of whom 165 are elected directly from respective constituencies through first-past-the-post voting and the remaining 110 are elected on proportionate basis based on the votes received by the political parties. The term of members of both provincial and federal parliament is 5 years.

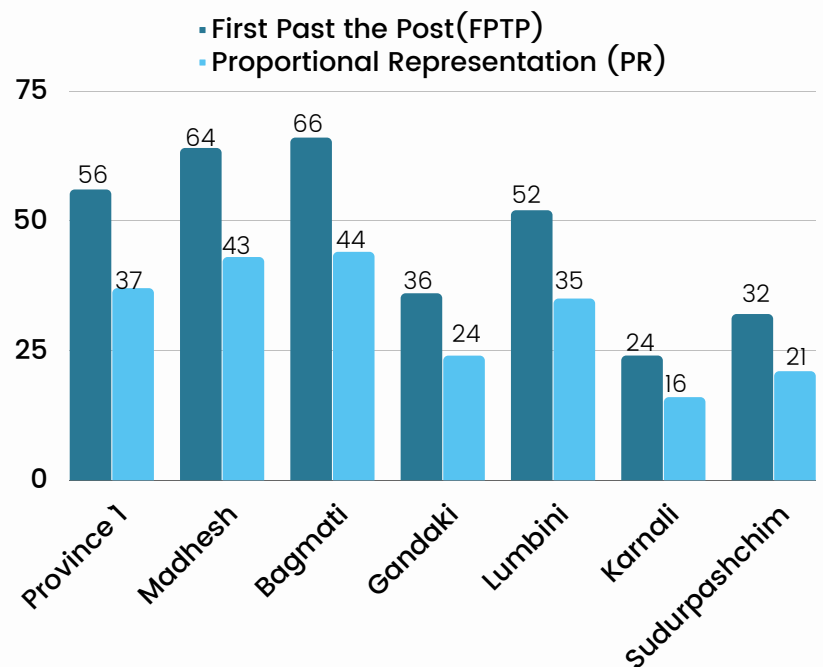
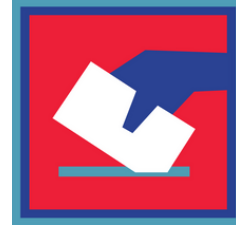


Chart 1.0 Bar diagram showing distribution of nos. of provincial assembly seats in each provinces under FPTP and PR category

Similarly, the election of the provincial assembly across 7 provinces, elects 550 people’s representatives of whom 330 are elected directly and the remaining 220 are elected on a proportional basis. The province wise distribution of electoral seats on both the FPTP and PR systems is presented in the chart 1.0.

2. ACTIVITIES SURROUNDING THE ELECTIONS

Following the announcement of provincial and federal elections for November 20, 2022, different stakeholders including the government, election commission, political parties, government, security bodies, and civil societies among others have started gearing up for the elections.

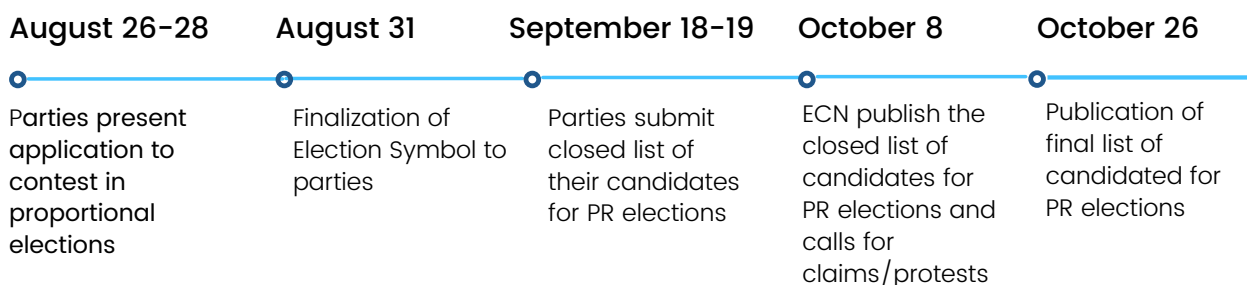


2.1 Election Commission Nepal

The Election Commission of Nepal (ECN) issued a call on August 5 for political parties wishing to participate in the elections to register at the ECN within the period of August 7 to 16.[2] By the end of the deadline on August 16, 87 political parties were registered at the ECN expressing their interest to contest in the elections.[3] This is a slight increase in the number of parties compared to local elections in May when 79 parties had registered. Of them only 65 political parties participated in the local level elections.

The voter registration process which started from June 15 after the successful completion of the local level election was closed following the announcement of dates for provincial and federal elections. Almost a million new voters were added during this period.[4] The estimated number of registered voters has reached 18.6 million which is an increase by almost 20% compared to the 2017 elections.

The election commission endorsed the timeline under the proportional electoral system as per its press release on August 10[5]. The timeline below shows the proposed date and list of activities under the Proportional Representative (PR) electoral system.

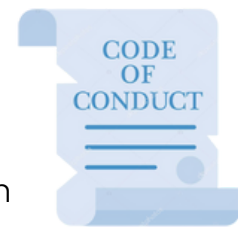


The election commission issued an open call on August 14 for the interested international organizations to register themselves in the election monitoring process within 15 days.[6] Likewise, the commission approved and implemented the Election Observation Guideline–2022, to effectively manage the election monitoring activity

Also the commission made a registration call on August 24 for national organizations interested to participate in the election observation to apply within the next 15 days.

As per the election timeline, all the parties need to submit the closed list for proportional candidacy to the election commission on September 18 and 19. The election program for first–past–the–post election is yet to be published by the election commission.

2.2 Election Commission of Nepal releases Election Code of Conduct



The Election Commission Nepal (ECN) made public the election code of conduct for the Provincial and Federal Election by publishing it in the Nepal gazette on August 29, 2022 and will come into effect after the decision of the Election Commission.[7]

The code of conduct touches upon different aspects of the election including candidate expenditure, campaigning, election security and has provision that allows for termination of candidacy and fine up to one lakh rupees upon violation of the code of conduct. It also designates provisions that should be abided by different stakeholders including the political parties and candidates, election officials, government ministers, teachers and professors, and voters.

The ECN has made a number of changes to the election code of conduct including the provision requiring candidates to submit their property details and educational qualification while filing candidacy. The code of conduct has increased the duration for which candidates can campaign by an hour per day (7:00AM to 7:00 PM) and introduced the concept of 'special conduct' in place of the 'silence period'. According to the code of conduct candidates and political parties will be allowed to start campaigning for election only 17 days before the election day.

2.3 Political Parties Gear up for Elections

The announcement of the polling date has shifted political parties to a higher gear in their preparation for elections. Political parties have started calculating and evaluating on strategies including possibilities of alliance formation to secure maximum number of seats in the elections. The leaders and cadres of the political parties have also started to express their aspirations for candidacy. Likewise, the new actors trying to emerge in Nepalese political landscape appear keen to use the elections and challenge the existing mainstream parties.

2.3.1 Political parties mulling electoral alliance for gains

The coalition of ruling parties: Nepali Congress, CPN (Maoist Center), CPN (Unified Socialist), Janata Samajwadi Party and the Rastriya Janamorcha forged an alliance while contesting in the local elections especially in metropolitan and sub-metropolitans. They have further agreed to extend the coalition apparatus until the provincial and federal elections[8]. The current government also announced the date for provincial and federal elections only after consultation with the party leaders in the ruling alliance.

While the Nepali Congress, the coalition leader, is aiming to win a majority, other partners in the coalition – the CPN (Maoist Center), the CPN (Unified Socialist), and the Janata Samajwadi are in a bid to muster as many seats as possible[9].

Similarly, the main opposition party CPN-UML is also exploring possibilities of electoral alliance, especially with small political parties outside the ruling coalition including Loktantrik Samajwadi Party (LSP) and Rashtriya Prajatantra Party (RPP).

Though political parties find alliances a useful tool for maximizing the outcome of their electoral performance, alliances have also found to cause dispute and dissatisfaction especially in candidate selection as was observed during the local level elections.

During the local elections, there were protests at different local constituencies against the decision of the party's central leadership to provide the election tickets based on the agreement in the alliance.

For instance, the candidacy for the post of Mayor of Bharatpur in Chitwan became a bone of contention within the Nepali Congress (NC) party. Local NC leaders and cadres in Bharatpur padlocked the party district chairperson's office in Chitwan protesting this decision on April 22 when NC's central leadership decided to award the candidacy for the post to CPN (Maoist Center) as a part of the coalition[10].

The inability of the parties to manage the aspiration of their cadres and leaders vying for the electoral ticket could be one of the major drivers of contestations in the pre-election phase like in the local elections.

2.3.1 Independent Candidates eyeing Elections

Although Nepal's major parties dominated the election outcomes in most constituencies in local elections, independent candidates won mayoral positions in key cities such as Kathmandu, Dharan, Janakpur, and Dhangadi. In the last local elections in 2017, independent candidates had won just four local units—municipalities and the rural municipalities. This time 13 independent candidates have won mayoral and rural municipality chair posts.[11]

Encouraged by the wins of such independent candidates during the local elections, many individuals, including public personalities and social activists have also started to express aspirations for independent candidacy as the country prepares for general elections.

The recent local election demonstrated that there is now a significant mass of people in Nepal, particularly in the cities, which are open to accepting alternative political forces. This noticeable shift in voter's attitude has instilled a belief that despite the dominance of traditional political parties, there is a space for new actors and parties to emerge in politics.

3. POLITICAL DEVELOPMENTS AFFECTING ELECTIONS

3.1 Arrest warrant against leaders of Netra Bikram Chand-led NCP (Nepal Communist Party)

The Lalitpur District Court on August 1 issued an arrest warrant against 23 leaders of Nepal Communist Party (NCP) including its chairperson Netra Bikram Chand 'Biplav' and other senior leaders of the party. The court ordered the police to arrest and present them before the court in the next 35 days.[12]

According to the court, it was hearing arms and ammunition, murder and crimes against the state involving leaders of NCP. The court order drew condemnation and protest from NCP leaders and cadres who accused the government of violating the three-point peace deal it had reached with the previous government in February 2021.[13]

Following the court order, NCP released a press statement and warned of serious consequences if the government failed to implement the agreement reached with NCP including release of the party's cadres arrested at different times. The party also enforced a nationwide general strike on August 23 to pressure the government to repeal the court order.[14]

This development could create security challenges for the upcoming election if the NCP and the government chose a confrontational path. The NCP was viewed as one of the main election security threats during the 2017 elections when they called for boycott and disruption of the elections.[15] NCP cadres engaged in different activities including arson, vandalism, assault, issuing threats against candidates and their supporters, placing improvised explosive devices targeting candidates from different political parties with the objective of affecting the elections.

Though NCP had internal debates about participation in local elections, it did not call for boycott and disruption of elections like in 2017. As a result of this changed political stance of NCP, the recently concluded local elections saw very few cases of anti-election activities. This shows that the political position of actors like NCP play an important role in creating a conducive environment for peaceful elections.

3.2. Nepal Communist Party (Revolutionary Maoist) decides to boycott elections

A three day long central committee meeting of the Nepal Communist Party (Revolutionary Maoist) that concluded on August 28 decided to boycott the upcoming federal and provincial elections. This decision came in line with its election boycotting stance during the local elections.[16]

While local elections in May were largely peaceful, the activities of election boycotting actors including Baidya did not pose a major security threat. The analysis related to electoral violence during local elections by NepalMonitor showed that the major trigger of violence on the polling day was inter-party rivalry among candidates contesting in the election and their supporters.

Also, the same analysis showed that the election boycotting forces had a lean share of participation in violent and non-violent contestation during the campaign and silence period in local elections compared to participating political parties and their cadres.[17] The boycott of local elections by NCP (Revolutionary Maoist) was rather symbolic and did not call for obstruction other than staging a torch rally in Kathmandu on the eve of the polling day. [18]

The nature of NCP (Revolutionary Maoist)'s boycott during provincial and federal elections, however remains to be seen as the party is yet to announce further activities of protest. Though not much influential in disrupting elections during the local elections, its activities should be duly observed and monitored by the concerned government stakeholders to foster peaceful elections.

3.3. Managing too many aspirants: a hard nut to crack for political parties

The central party committees of all parties gave directives to their subsidiary committees in the district and provinces to send recommendation of candidates in both 'Proportional' and 'First-Past-the-Post' categories for provincial and federal elections. For instance, the ruling party Nepali Congress, and the main opposition CPN-UML sent a circular to its committees to send the recommendations by August 31, and September 5 respectively.[18]

The party leaders have high aspirations to contest in the federal and provincial elections. There is also a perception among cadres that though they may not get a ticket to contest in this election, their claim for recommendations this term could be helpful for their future politics. It has thus become a hard nut to crack for the party committees at the regional and district level to finalize the recommendation list.

The process of recommendation in a few cases also became a trigger of contestation. For instance, the regional chairperson of Nepali Congress of Morang Region-4 was assaulted on August 25 by an aspirant in a dispute related to his recommendation on the list of proportional candidates for the upcoming province and federal elections.[19]

The recommendation from subsidiary committees however doesn't guarantee a ticket for the aspirants. The party's central committee and leadership decides upon the recommendations received and finalizes the candidature. The dissatisfaction among candidates who fail to secure electoral tickets are likely to result in contestation as the election cycle progresses.

3.4. Madhesh Province government's protest demanding police integration

The integration and formation of provincial police has been an issue of strong concern for the Madhes Province government. The chief minister and ministers of the Madhes Province started a phase-wise protest against the federal government on August 14 demanding the integration of the Provincial Police force and to bring the Chief District Officer under the jurisdiction of the provincial government before the election. However, the protest was called off later by the provincial government after the Prime Minister gave assurance to fulfill their demands.[20]

It is therefore deemed necessary for both federal and provincial governments to limit and manage these tensions for effective and efficient electioneering as the country orients itself towards federal and provincial elections.

4. Looking Forward

The election commission claimed that polling on the same day during local elections not only made election cost-effective but also aided in effective management of election materials and human resources which resulted in peaceful elections[21]. However, several cases of election-related violence were reported during polling day on May 13. The National Human Rights Commission, which had deployed its team in all 77 districts for election observation too remarked that local polls were not peaceful as expected[22]. In this light, the government should focus more on managing security especially on the polling day during the federal and provincial elections.

End Notes

- [1] <https://www.nayapatrikadaily.com/news-details/92585/2022-08-04>
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- [3] <https://election.gov.np/admin/public//storage/HoR/Press%20release/Press%20Release%202079-05-09.pdf>
- [4] <https://kendrabindu.com/politics/98582-1659614065.html>
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- [8] <https://bit.ly/3TwqTeZ>
- [9] <https://nepalmonitor.org/analysis/184>
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