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# **Bullets, Ballots and Bounty:**

## **Maoist Victory in the Twenty-first Century, Nepal**

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### INTRODUCTION

The Maoist electoral victory in Nepal in April 2008 surprised and shocked not only the competing political parties but also the national and international commentators and the Maoists as well. The Communist Party of Nepal-Maoist (CPN-M), which had waged a decade long violent rebellion, received two times more seats than their nearest rival in the election for the 601 member Constituent Assembly.<sup>2</sup> Under the first past the post (FPTP) election for 240 members, the Maoists won 120 seats - more seats than rest of the fifty-three competing parties collectively. The distribution of 335 seats under the proportional representative (PR) method closed the gap between the Maoists and other parties and prevented the Maoist from gaining a majority in the Constituent Assembly. The gap, however, was still very wide (see table 1).

Different reasons have been cited for the Maoist victory. Political opponents charged the Maoists of engaging in widespread violence and intimidation. Others have argued that the

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<sup>1</sup> I would like to thank Anup Pahari for helpful comments on the paper.

<sup>2</sup> 575 members were elected and 26 were nominated.

Nepalis voted for the Maoists because they wanted change. I will examine different factors behind the Maoist victory in this article.

Table 1: Seats in the Constituent Assembly, 2008

Party name	FPTP	PR Votes, %	PR	Total
<b>COMMUNIST PARTIES</b>				
Communist Party of Nepal –Maoist (CPN-M)	120	29.28	100	220
Communist Party of Nepal – United Marxist Leninist (CPN-UML)	33	20.33	70	103
Communist Party of Nepal – Marxist Leninist (CPN-ML)	0	2.27	8	8
People’s Front Nepal (PFN)	2	1.53	5	7
Communist Party of Nepal-Joint (CPN-J)	0	1.44	5	5
National People’s Front (NPF)	1	0.99	3	4
Nepal Worker’s Peasant Party (NWPP)	2	0.69	2	4
Communist Party of Nepal-United (CPN-U)	0	0.45	2	2
SUB TOTAL	158		195	353
<b>IDENTITY PARTIES</b>				
Madhesi Peoples Right Forum (MPRF)	30	6.32	22	54
Tarai Madhesh Democratic Party (TMDP)	9	3.12	11	20
Nepal Goodwill Party (NGP)	4	1.56	5	9
National People’s Liberation Party (NPLP)	0	0.5	2	2
Nepal Goodwill Party –Anandi (NGP-A)	0	0.52	2	2
Federal Democratic National Forum (FDNF)	0	0.67	2	2
Dalit Nationalities Party (DNP)	0	0.38	1	1
Nepa: National Party (NNP)	0	0.35	1	1
Chure Bhawar National Unity Party Nepal (CBNUPN)	0	0.25	1	1
SUB TOTAL	43		47	90
<b>OTHER PARTIES</b>				
Nepali Congress	37	21.14	73	110
National Democratic Party (NDP)	0	2.45	8	8
National Democratic Party – Nepal (NDP-N)	0	1.03	4	4
National People Power Party (NPPP)	0	0.95	3	3
Nepal Peoples Party (NPP)	0	0.46	2	2
Nepal Family Party (NFP)	0	0.22	1	1
Nepal Democratic Socialist Party (NDSP)	0	0.23	1	1
Independents	2		0	2
SUB TOTAL	39		92	131
<b>TOTAL</b>	240		335	575

Source: Election Commission, Nepal

## **ELECTIONS IN POST CONFLICT ENVIRONMENT**

Since the 1990s international organizations have been recommending elections after ceasefires in war torn societies to promote peace building and democratization (Kumar 1998; Jarstad and Sisk 2008). The rationale is that elections could resolve the violent conflicts peacefully. However, scholars have found that attempts at democratization through elections could sometimes exacerbate conflicts. Competitive politics and hard-fought elections could aggravate existing social and political tensions and conflicts because “the process of political and economic liberalization is inherently tumultuous: It can exacerbate social tensions and undermine the prospects for stable peace in the fragile conditions that typically exist in countries emerging from civil war” (Paris 2004, p.1 cited in Reilly 2008, p. 161-162). Wars have erupted again after elections in some post war societies. Angola’s 1992 election and Liberia’s 1997 election created more problem than they solved (Reilly 2008, p. 158). This is not to say that elections are inherently dangerous path toward more conflict. Elections in Namibia in 1989, El Salvador in 1994, and Mozambique in 1994 clearly contributed positively to peace building and democratization.

A necessary condition for election is that they should be free and fair. These minimum institutional guarantees are necessary for democracy so that people can raise issues, competing parties can campaign without fear, citizens can get opportunity to hear alternate positions and policies and make informed decisions (Dahl 1971). A free and fair election would also make it acceptable for the losing side since they will think that they will have a fair shot next time.

The question is what constitutes a free and fair election, especially in post-conflict situation? Elklit and Svensson (1997: 35) operationalize freedom in the context of post-conflict

elections by contrasting with coercion: “Freedom entails the right and opportunity to choose one thing over another. Coercion implies the absence of choice, either formally or in reality: either all options but one are disallowed, or certain choices would have negative consequences for one’s own or one’s family’s safety, welfare, or dignity.” It is very challenging to hold election in post-war societies because the environment is fragile, the rule of law are often yet to be established, legitimacy is still weak, and warring parties distrust each other and are capable of employing coercive force (weapons and organizations) that may not have been demobilized against opponents. With regard to fairness, Elklit and Svensson (1997: 35) define it in terms of impartiality: “the opposite of fairness is unequal treatment of equals, whereby some people (or groups) are given unreasonable advantages.” The question for this paper is did the Nepali elections meet these criteria?

Elections may be won or lost due to many factors. An important element, especially in war torn societies, is incumbency. Incumbents have resources and power that they can deploy to influence elections. The incumbents may also have name recognition and well oiled organizations. In many developing countries, elections have been influenced by blatant use of money and muscle. For instance, the first post conflict election in Ghana was won by the military ruler J. J. Rawlings through fraudulent means. The election was announced with a short notice, the government unilaterally appointed the Interim National Electoral Commission (INEC), and opposition alleged rampant fraud, including intimidation by security personnel and “revolutionary” organs, ballot dumping, and pre stuffed ballot boxes. The election result triggered a spate of violence and the boycott of the parliamentary election (Gyimah-Boadi 1999). Oppositions may try to reduce their disadvantages. In the case of war torn societies, the rebels groups could use their fire power to counter the advantages of the ruling groups.

However, incumbency may act in opposite directions as well. For example, if the ruling group has failed to please certain groups or its policies have irked some groups, some people may not support the incumbents. Over time, such groups may grow and reach a critical mass to tilt the majority against the rulers and the people may vote for change. In war torn societies, the common people may feel, on the other hand, that the rebels have to be mainstreamed and hence vote for them.

The post-war elections have brought mixed results. In countries like El Salvador (1992) and Angola (1992), the rebels lost the elections. In Nicaragua (1992) and Cambodia (1993), on the other hand, democratic opposition won or received plurality of seats (Hoglund 2008; Kumar 1998). In Liberia's second post-war election (2005) Charles Taylor's governing party lost while in Siera Leone (2002) opposing democratic front won the election. In Nepal the rebels won the election. This article aims to find factors that contributed to the victory.

## **REASONS FOR THE MAOIST VICTORY**

### **VOTE FOR CHANGE**

The victory of the rebel Maoists at face value demonstrates that the people voted for change. However, because opposition parties and election observers have alleged the Maoists of intimidation and violence, it is necessary to verify both claims.

The change thesis can be demonstrated by the fact that the Maoist won seats in urban districts areas like Kathmandu and Lalitpur where the elections were held relatively in a free and fair environment. Further, they also won in districts such as Kathmandu, Lalitpur, Jhapa, Dang, Tanahun etc. that were considered the bastion of the CPN-UML and the Nepali Congress. Only a strong yearning for change among traditional supporters of established parties would have

made the people to vote for a new party. The Maoists could overcome the entrenched organizational network of the Nepali Congress and the CPN-UML in those areas because of people's strong desire for change.

The fact that the Maoists received votes from people who had voted earlier for different ideological parties also suggests that change factor may have been significant. Many commentators have often assumed that the Maoists stole the communist votes away from the CPN-UML. Table 2 however show that the Maoists also took votes away from the centrist Nepali Congress as well as the rightist NDP factions. While the CPN-UML lost 10 percent votes,<sup>3</sup> the Nepali Congress lost 15 percent and the rightist parties lost 9 percent votes from their 1999 tally. The Madhesi parties gained 8 percent votes. Even if all the gain of the Madhesi parties is attributed to the votes they took away from the Nepali Congress (which is not true), 7 percent of the Nepali Congress's vote go unaccounted for. This means that the Nepali Congress lost votes to the Maoists because no other major political parties gained votes (the indigenous nationalities parties gained less than 1 percent votes).

The people's vote for change during the Constituent Assembly election is clear not only because of the Maoist win but also because of votes received by Madhesi and indigenous nationalities parties that were fighting for major changes. Table 2 demonstrates that the parties that increased their vote share in 2008 compared to parliamentary elections in 1990s were those that advocated for major changes in the society and polity. The change seeking CPN-M and Madhesi and indigenous nationalities' parties<sup>4</sup> increased their vote share while the older parties (NC, CPN-UML and NDPs) that were either conservative or status quoists. The sound defeat of the rightist parties reinforces this thesis since they were the least change seeking parties.

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<sup>3</sup> If votes received in 1999 by CPN-ML, a faction that split from CPN-UML is included in the count the CPN-UML factions lost 16 percent votes.

<sup>4</sup> The indigenous nationalities parties (NPLP factions) associated with the monarchy also lost votes.

Table 2: Popular votes received by parties during the 1990s and 2008, %

Parties	1991 FPTP	1994 FPTP	1999 FPTP	2008 PR	Gain/ Loss, 99-08	Proportion of Gain/Loss in 99-08, %
CPN-M (extreme left)	4.83 <sup>5</sup>	Boycott	Boycott	29.28	Gain	Gain
Nepali Congress (center)	37.75	33.38	36.14	21.14	-15	- 41.51
CPN-UML (left)	27.75	30.85	30.74 <sup>6</sup>	20.33	-10.41	- 33.86
NDParty factions (right)	11.94	17.93	13.47	4.43	-9.04	- 67.11
Madhesi Parties (nationalist) <sup>7</sup>	4.10	3.49	3.13	11.55	+ 8.42	+ 269.01
Indigenous Nationalities Parties (nationalist) <sup>8</sup>	0.47	1.05	1.07	1.86	+ 0.79	+ 73.83

Source: Lawoti (2005), Election Commission, Nepal, 2008

Among the Madhesi parties, the MPRF, which led the most vigorous movement and which was perceived as the most change deliverable agent got more seats than other Madhesi parties including the older NGP. Likewise, within the indigenous nationalities' parties, the FDNF, which launched a movement that was reasonably effective in the far Eastern districts, received more votes than its parent party NPLP that supported the royal intervention in 2002 and 2005, from which the FDNF had split, as well as another older party MNO.

The change dimension is supported by other indirect trends as well. The rapid growth of the Maoists after 1996 showed that a large segment of the population was not happy with the old parties. Similarly, the low popular support for established parties in the opinion polls prior to the election suggested that people were not happy with status quo (Sharma and Sen 2008).<sup>9</sup> The

<sup>5</sup> The CPN-M's predecessor party fought the 1991 election under the United People's Front Nepal. The votes assigned for CPN-M for 1991 is that received by the front, from which the CPN-M split in 1994.

<sup>6</sup> CPN-ML, a breakaway faction of CPN-UML received 6 percent of popular votes. I have not added this vote in this calculation. Despite a large number of leaders and cadres returned to the mother party, a significant number of leaders and cadres continued to operate as CPN-ML and received 2.27 percent of popular votes in 2008.

<sup>7</sup> The votes for the nineties are those received by NGP.

<sup>8</sup> These are votes received by the NPLP in 1991, 1994 and 1999. The Mongol National Organization (MNO) had also fielded candidates as independents but the Election Commission publications do not provide its vote separately.

<sup>9</sup> Less than 15 percent supported the Nepali Congress and CPN-UML in surveys conducted after the 2006 change.



support for the Maoists was also low but it does not indicate they were losing support. It was a growing party and having similar support level as established parties shows its growth.

The Maoist image of change agent was helped by their activities. They were responsible for mainstreaming the agendas of republic and the Constituent Assembly. They presented the most inclusive candidate list for the FPTP election with substantial Dalit, indigenous nationalities, Madhesi, women and youth candidates. The lack of senior leaders meant that the Maoist had to recruit many young candidates, especially from rural areas as well as from marginalized groups. For instance, the Maoist fielded 52.5 percent of candidates from 18-35 age group, which comprised of 51 percent of voters, while the Nepali Congress and CPN-UML fielded 8 and 12 percent respectively. This resonated well with the large young voters (Pathak 2008).

The Maoists were the most vigorous champions of the marginalized groups among the mainstream political parties. They actively worked against caste and gender discrimination and supported the right to self-determination and autonomy (de Sales 2003; Hutt 2004; Thapa and Sijapati 2003). The Maoist promises also appeared more plausible to the people compared to older parties' because the established parties were discredited by their previous mis-governance characterized by corruption, culture of impunity, inability to provide security and so on (Dhruba Kumar 2000; Baral 2005). The Maoists successfully projected themselves as a clean party while discrediting others by catchy campaign slogans, such as "arulai mauka dheria patak, maobadilai mauka ek patak" (others have received opportunity many times; give the Maoist opportunity this time).

The perception of the party as a winner also helped the Maoists. Adoption of many Maoists agendas, such as republic, by other parties helped to create this image. After political

transformation Nepalis tend to change their support to the winning side. After the 1990 political changes, the Panchayat groups lost large scale support. The Nepali Congress and CPN-UML transformed into strong parties in the 1991 election even in districts where their organizations and activities were limited before 1990. After 2006 the Maoist benefited from this phenomenon.

### **Vote for Peace and Stability**

The Maoists however, did not get all the votes from change seekers. Ironically, they might have received considerable votes from independents and conservatives, who were yearning for order and stability. Many people perceived that the Maoist may engage in street protests or even return to the insurgency if they did not win the election. The former perception was based on the frequent street protests the Maoists engaged in not only during the insurgency but even after they had joined the coalition government. The latter fear was based on the widespread media discussion that the Maoists would lose badly. The fear was reinforced because some prominent Maoist leaders publicly warned during the campaign that they might go back to the insurgency if they did not win. Voting for rebels to enhance peace is not unusual in post-conflict elections. In Liberia in 1997 people said to Charles Taylor's party "You killed my mother, you killed my father, I will give you my vote." The people were desperate for peace and would vote even for former enemies to attain it.<sup>10</sup>

It is difficult, however, to ascertain to what extent this factor played a role in the Nepali election. This explanation, however, should not be lightly discounted because significant segment of people supported King Gyanendra in 2005 when he took over the rein of government citing the past governments' inability to establish peace and order in the society. The yearning for peace was quite strong among the people after more than a decade of violent insurgency.

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<sup>10</sup> I thank Fodei Batty for sharing the Liberian example.

## **Programmatic Appeal and Patronage**

On their way to victory, the Maoist broke the entrenched clientelistic network and well oiled electoral machines of the Nepali Congress and CPN-UML. Scholars argue that clientelistic politics can be broken by increase in competition and policy oriented approaches. If choices become available to clients, they are less likely to continue in the unequal relationship. The competition provides an exit option from a clientelistic relationship. Second, if political leaders and parties formulate public policies that benefit a large population, people may vote for such parties if the clientelistic relationship have been weakened (Kitschelt and Wilkinson 2007). Both factors along with violence and its threat undermined the clientelistic network of the older parties. First, by projecting the party as an alternative viable force, the Maoists provided a choice to the people. Second, by projecting themselves as the most vigorous change agent, they made plausible promises of policies that would affect many people. Many people supported the Maoists for these reasons but that many have been enough to deliver large-margin wins. Hence, third, violence or its threat coerced others not influenced by the first two factors into voting for the Maoists.

## **INTIMIDATION AND THREATS**

How free and fair was the election considering the post-conflict context in which it was held (Elklit and Svensson 1997; Reilly 2008)? Did intimidation and fear affect the electoral outcomes as charged by some? I will employ a two step process to determine whether fear and intimidation affected the electoral result. First, I will look at the records of intimidation and

violence during the campaign and on election-day and actors responsible for them. Second, I will trace whether these activities had an affect on election result.

### **Election and Influence in Nepal over the Years**

All parties attempt to influence the outcome of elections but it should be done fairly. Free and fair elections mean that people in power should not have undue advantages through the abuse of state power. Democratic elections in Nepal, however, have always been influenced by state power to a considerable extent and all the three elections in the 1990s witnessed electoral violence (DEAN 2008: 13; Lawoti 2007). The most glaring examples are the two local elections held in the 1990s – the parties that controlled the government (Nepali Congress in 1992 and CPN-UML in 1997 respectively) won both the elections with big margins. A cabinet minister quit the coalition government in the 1997 charging the home minister of directing gross fraudulent activities in his district. Even the parliamentary elections were influenced by power but the influence was less due to uncertainty of eventual winners.<sup>11</sup>

Power has influenced elections in Nepal in several ways. First, the party and leaders in power can distribute resources, development projects and jobs etc. to get votes. The promises in a clientelistic society also look more plausible when it is made by the ruling party candidates. Second, the government can manipulate the administration to influence elections. For example, in a competitive election, polling staffs with certain ideological predilections could be deployed to a certain constituency with the complicity of district election officers. As polling staff vote where they are deputed, they can add a few hundred votes in a constituency, determining the election outcome in a stiff competition. This is just an example of how electoral outcomes can

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<sup>11</sup> The 1991 and 1999 general elections were won by the party that controlled the governments. The 1994 election was an exception because of widespread intra party factionalism that resulted into the Nepali Congress's loss.

be subtly influenced. Power and influence have been deployed brazenly as well during the 1990s. For instance government owned media (print, radio, TV) were blatantly abused by the government to propagate partisan issues while the government appointed election commissioners did not stop such abuses. Third, people also vote for parties and candidates they think will win because they would like to increase their possibility of getting resources and services from the winner.

If one were to compare elections in Nepal, the 2008 election has been the most violent (see next section).<sup>12</sup> Around 70 persons were killed after the code of conduct was implemented in January 15, 2008 until the election whereas ten people were killed in the 1991 election (INSEC 2008; DEAN 2008). Nepal had never encountered such large scale killings, intimidation, and disturbances during previous elections.

### **Violence during the Constituent Assembly<sup>13</sup>**

DEAN reported that violent incidents occurred in 81 percent of the districts (61 out of 75) between November 26, 2007 and April 30, 2008. DEAN reported 485 incidents of political and election –related violence in the three periods of pre-election (November 26, 2007-April 9, 2008), election (April 10, 2008) and post election (April 11-30, 2008). According to it 50 people were killed, 1,286 people were wounded and 116 people were kidnapped all together.<sup>14</sup> Other forms of violence included torture, intimidation and psychological abuse, verbal harassment and threats of physical harm, destruction of property, attacks on the homes of party cadres and

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<sup>12</sup> The 1999 election was held amidst an insurgency and was conducted on two days because of security reasons. INSEC does not list major violence on the election campaigns and election day (INSEC 2000).

<sup>13</sup> This section is based on the final report of DEAN (Democracy and Election Alliance Nepal), an election monitoring network.

<sup>14</sup> INSEC interim report covering from January 16, 2007 to April 2 says that 58 persons were killed during the period. More than a dozen individuals, including Maoists, were killed after that till the election-day.

candidates, destruction of election materials, and attack on government offices (DEAN 2008: 6). Several candidates were killed during the election campaign and a number of others were kidnapped while many were obstructed from campaigning. Many political cadres and leaders were abducted, beaten, or hindered free movement. Even top party functionaries of major political parties, such as party president, were restricted from campaigning freely, mostly by the Maoists. The INSEC webpage lists around a dozen acts of violence and disturbances almost every day during the last few weeks of the campaign.

The DEAN data is probably under represented because it required the data to be twice verified by its 480 locally based focal points. The case of Gorkha district is a case in point. Dean lists only one pre-election incident for Gorkha whereas INSEC and Kantipuronline reported a dozen incidents of violations from March 10<sup>th</sup> to April 9<sup>th</sup>, 2008.

The data may also not have measured numerous low level threats. However, since DEAN employed a methodology used internationally, the level of violence can be compared with similar incidents in other countries. The violence in Nepal was higher than in Nigeria but lower than in Timor-Leste based on per registered voters.<sup>15</sup> Even if undercounted, the data shows that political and electoral violence was widespread in the CA election.

The violence occurred as a result of electoral competition between political parties and as a result of ongoing ethnic movements by the Madhesi and indigenous nationalities. Major Madhesi and indigenous nationalities organizations participated in the election after reaching a settlement with the government but others boycotted the election and some others resisted it violently as well.

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<sup>15</sup> Three deaths per one million voters occurred in Nepal while 2 per million voters and two per half million occurred in Timor-Leste. Thirty-one, three and two violent incidents occurred per 100,000 registered voters in Timor-Leste, Nepal and Nigeria respectively (DEAN 2008: 2). The methodology was developed by International Foundation for Electoral System.

Political party cadres, supporters and leaders and others affiliated with political parties' perpetrated violence 62 percent of the time.<sup>16</sup> This shows that most violence was related to electoral competition. The Maoists were the highest perpetrators of violence. The Maoist party cadres and its youth front, the Young Communist Leagues, were perpetrators of violence 51% of the time. The CPN-UML (16%), NC (16%), MPRF (6%), TMDP (3%) and NPFront (2%) also perpetrated political and electoral violence but less frequently.

Table 3: Percentage Perpetrator or Victim among political parties, 2008

Parties	Incidents perpetrated, %	Victim incidents, %
CPN-M	51	19
Nepali Congress	16	32
CPN-UML	16	29
MPRF	6	5
TMDP	3	-
NPF	2	-
NDP	-	3
SPA	-	2
Others	4 (less than 1 % for many parties)	10 (less than 1% for many parties)

Source: DEAN (2008); data for above 1 % provided

The Nepali Congress (32%) and CPN-UML (29%) were the top two victims of violence among the political parties and affiliated groups. The Maoists were victim 19 % of the time while MPRF, NDP and others were victim 5%, 3%, 2% respectively (DEAN 2008: 5). The perpetrator and victim analysis shows that the Maoists and the MPRF perpetrated violence in higher proportion than they were victims (see table 3). On the other hand, the Nepali Congress and CPN-UML were victims in higher proportion than they perpetrated violence. This shows that the Nepali Congress and CPN-UML were at the receiving end while the Maoists and the MPRF were on the offending side.

<sup>16</sup> Armed/unarmed groups perpetrated 18 % of violence while the state and public were responsible for 5 %. The focal points could not identify 15 % of violence perpetrators.

## **Violence and Its Effect on Electoral Outcome**

CPN-M and MPRF that perpetrated more violence than they were victims won decisively (see table 3). It indicates the affect of violence on electoral outcome. Margins of victory can help to further establish the role of intimidation and fear. If incidences of violence and wide margin wins exist, then one can argue that the environment of intimidation and fear affected the election. On the other hand, if candidates from many parties won with landslide victories, it can be argued that the election was reasonably competitive despite violence because no party enjoyed hegemonic domination. If the answer is no, then, it supports the hypothesis that intimidation and fear affected the election.

Based on the 1994 and 1999 elections, a winning margin of at least three times that of the nearest rival (a ratio obtained from dividing votes received by the winning candidates by votes received by the runner up) can be established as a criterion to gauge the uncompetitive environment. This criterion was developed based on the history of power influencing Nepali elections to produce large margin wins. The three times criterion was established because it was met only by the ruling party members whereas opposition candidates also won with double margins. Influence of power can be ascertained with the three times threshold. The criterion does not claim that the leaders win just because of power but that power play a role in the wide margin wins. Likewise, the argument is not that one has to win with a triple margin ratio for power to influence electoral outcomes but such wide-margin-wins can help to establish the influence of power. In fact, the influence of power/intimidation could be more significant in competitive elections.



Table 4: Candidates who won with more than three times votes, 1994, 1999 and 2008

Name	Party	Vote ratio	Ratio	Constituency	Region
1994					
Ram Chandra Paudel	NC	22639/6493	3.49	Tanahu-2	Hill
Palten Gurung	NC	2315/721	3.21	Manang	Mountain
1999					
Sher Bahadur Deuba	NC	28651/7840	3.65	Dadeldhura	Hill
Khum Bahadur Khadka	NC	27865/9159	3.04	Dang-1	Tarai
2008					
Jun Kumari Roka (Oli)	Maoist	31410/4015	7.82	Rukum-1	Hill
Baburam Bhattarai	Maoist	46272/6143	7.53	Gorkha-2	Hill
Puspa Kamal Dahal (Prachanda)	Maoist	34220/6029	5.68	Rolpa-2	Hill
Jaypuri Gharti	Maoist	26505/4946	5.36	Rolpa-1	Hill
Parbati Thapa Shrestha	Maoist	40606/9142	4.44	Gorkha-1	Hill
Mohammad Estiyak Rai	MPRF	19396/4565	4.43	Banke-2	Tarai
Dilliman Tamang	Maoist	31121/7010	4.44	Ramechap-2	Hill
Amar Bahadur Gurung	Maoist	28969/7442	3.89	Gorkha-3	Hill
Krishna Kumar Chaudhari	Maoist	27547/8367	3.29	Kailali-4	Tarai
Janardan Sharma	Maoist	30270/9250	3.27	Rukum-2	Hill
Suryaman Dong Tamang	Maoist	27471/8407	3.27	Kavrepalanchowk- 2	Hill
Bir Man Chaudhari	Maoist	19739/6126	3.22	Kailali-3	Tarai
Ram Chandra Chaudhari					
Tharu	Maoist	24444/7611	3.21	Bardiya-4	Tarai
Renu Chand (Bhatt)	Maoist	20021/6366	3.14	Baitadi-2	Hill
Kali Bahadur Malla	Maoist	19009/6223	3.05	Jajarkot-1	Hill
Brijesh Kumar Gupta	TMDP	18126/5944	3.05	Kapilvastu-3	Tarai
Agni Prasad Sapkota	Maoist	30175/10063	3.00	Sindhupalchowk-2	Hill

Source: Election Commission, Nepal, 2008

Table 4 shows that two candidates each won with a ratio of three and higher in 1994 and 1999. All four candidates belonged to the party that controlled the government. Winning by a very large margin only by the ruling party candidates suggests that being member of a ruling party mattered in the electoral outcome. Three of the four winners were very powerful leaders who occupied senior cabinet positions for very long time whereas Manang, the fourth constituency, is a district where power and money has been historically influential due to the district's very small population.

The three times threshold clearly establishes that the 2008 election was more influenced by power dynamics. Seventeen candidates won elections by a ratio of three times or higher in 2008.<sup>17</sup> Except for one candidate each from MPRF and TMDP, the rest of the fifteen winners belonged to the Maoists. Further, close inspection of the large-margin-win data indicates several things. One, the win ratios increased sharply from around three and a half in the 1990s to nearly eight in 2008. During 1994 and 1999, the highest winning ratio was 3.486 and 3.65 respectively while it was 7.8 during 2008. It suggests that the election had become far less competitive. Two, the frequency of such wide margin wins also increased. 2008 had eight times more uncompetitive wins (17/240 in 2008 compared to 2/205 each in 1994 and 1999). Three, unlike earlier elections when the Nepali Congress had not won all constituencies in districts with two or more constituencies, 2008 saw the Maoists win all constituencies in three districts (Gorkha, Rukum and Rolpa) and two constituencies in another district (Kailali). These trends point to domination of one party in a much higher level across wider area during the 2008 election. Lastly, the data also shows that the Maoists completely monopolized the wide margin wins in the hills. All thirteen large margin winners in the hills were Maoists. If different parties had won with large margins, one could argue that the affect would have balanced out to some degree. In the Tarai, the Madhesi parties competed with the Maoists for domination in some regions. The Maoists won three large-margin-wins in western Tarai whereas MPRF and TMDP won one seat each. Thus, the competitive environment in the Tarai was not as bad as in the hills because no party monopolized wide margin wins and the depth of domination (the highest ratio was 4.43) was also less.

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<sup>17</sup> Thirty-seven candidates won by double margins in 2008 whereas ten and seven candidates won by double margins in 1994 and 1999 respectively. 205 seats were elected by FPTP in the 1990s elections.

It will be instructive to discuss a case to understand the phenomena of intimidation and its influence. In Gorkha district, where all the three Maoist candidates won with more than three point ratio, media and human rights organizations reported that non-Maoists candidates and cadres were restricted from campaigning freely by the Maoists. According to INSEC and Kantipuronline reports, candidates of NC (March 28 and 15), NDP (March 26) and CPN-UML (April 6 and March 15) were obstructed from campaigning by the Maoists. In some cases they also barred central committee members of other parties from campaigning (CPN-UML, April 6). Even some election observers were restricted from monitoring election preparation. On April 3<sup>rd</sup>, the Maoists obstructed election observers of the Asian Network for Free Election, whose team member consisted district chairperson of the Federation of Nepal Journalist, while they also obstructed representatives of the National Human Rights Commission and INSEC for some time in another incident (INSEC 2008).

Ten different incidents of obstructions and conflicts from March 10<sup>th</sup> to April 9<sup>th</sup> were recorded by INSEC (7) or Kantipuronline (3). Apart from a violent confrontation involving NC and Maoists cadres on April 5<sup>th</sup> when a Maoist cadre was seriously injured and two cases involving election observers and human rights activist, rest of the recorded incidents involved candidates. This suggests that perhaps other incidents involving local cadres and less contentious conflicts may not have come to the attention of election monitoring observers and human rights organizations. Thus, low intensity intimidation that could have been more widespread and more effective in affecting voting behaviour in villages may not have been recorded by election observers.

Even the Maoist ideologue Dr. Bhattarai, who himself was a candidate from Gorkha, accepted that “some” violence by the YCL had occurred during the election. The CPN-UML

and Nepali Congress boycotted the vote counting accusing that their poll agents were not allowed in some polling stations by the Maoists. An election where candidates and parties leaders are barred from freely campaigning cannot be termed fair. When candidates of different parties are barred by one particular party, the message to the voters is quite clear: one particular party has hegemonic domination in the region and the state and other parties cannot provide protection and security and the hegemonic party will do anything, including deploying violence, to “win the election.”

In the absence of violent conflict on the election-day, the Election Commission did not conduct re-polling in any polling stations in Gorkha. The case of Gorkha points out that the absence of violent conflict on the voting day does not mean that the voting took place in free and fair manner. Violent conflicts on election-day occurred where two or more sides were competitive. Where one party dominated the region through pre-election violence and/or threat of it, conflict may not occur on the election-day because opposing parties were unable to challenge the hegemony. In many districts where the Maoists had hegemonic domination, as in Gorkha, the party “peacefully” and significantly violated the free and fair electoral norms. This might be the reason why many respected international observers based in urban areas or road heads did not observe the real pre-election coercive activities that influenced electoral outcomes.

Previous discussion of vote transfer of centrist and rightist parties to the Maoists also indirectly support the intimidation hypothesis. Normally people vote for political parties that are close to their policy preferences. A relatively small percent of independent voters change their support to competing parties determining the winners. Even when the voters change parties, they usually shift to ideologically close one or those that may provide them with goods and services in return. The Maoist received considerable amount of votes from people who previously voted for

rightist and centrist parties. This is an unusual electoral behaviour. This suggests that the transfer of votes must have occurred through an unnatural process. The Maoist did not have resources to distribute to attract votes so patronage was not a plausible reason. However, they had a cadre base that was violent or was associated with violence previously. Some voters may have voted for the Maoist aspiring for changes but it is hard to believe that all voters, especially conservative voters who were anathema to the Maoist agendas and rapid socio-political changes, voted for the Maoists. If that were the case, then the Maoists should have won with large margins even in urban areas and the Tarai where election occurred in a relatively free, fair, and competitive environment.

It can be argued that perhaps the Maoists won with very big margins because of their popularity. The argument here is not that the Maoist did not have popular support base. They would have probably won in many hill areas with competitive margins. The wide-margin wins demonstrate they “received” far more votes in many regions than any popular party usually gets. As mentioned above, historical record demonstrates that this year’s level of vote distribution was highly skewed. Obtaining more than 80 percent of votes in a constituency (in Gorkha and other districts) does not indicate competition, especially when 30 percent votes could be enough to win a seat under FPTP in multi-party competition. The fact that the Maoists did not win with a three point ratio and higher in any urban constituency where the election was held in reasonably free environment also supports the argument that such wins were possible in rural areas because the elections in those areas were marred by intimidation and fear. The argument is that the extremely wide margin wins demonstrate the role of intimidation, violence and one sided campaigns in the Maoist victory. Similar intimidation must have affected election outcomes in many other districts, even if the affect may have been less.

It can be argued that the Maoist did not control the government in Kathmandu and hence could not have abused power. The home and finance ministry, which have been more instrumental in influencing the previous elections, were under the control of the Nepali Congress. The Nepali Congress, which took those ministries despite clear public displeasure of coalition partners, may have become smug because of it. However, this strategy did not work during this election for the Nepali Congress because the formal state no longer enjoyed influence in the rural areas. The Maoists not only challenged it but undermined or replaced it in large parts of the country, especially in the hill areas. In many parts of the country, the Maoists were the effective state as they dictated political life and campaign terms to leaders and cadres of other political parties. In some Tarai areas, the MPRF and other Madhesi forces were the effective alternate power sources (though not as hegemonic as the Maoists) and not the government and its agencies. The power wielders not only constrained the activities of opposition groups but the voters also understood which party was emerging powerful and hence many may have voted accordingly to be on the winning side. In the absence of protection by the government and other parties, some may have voted for the Maoists to reduce risk of future Maoist wrath. The Maoists had spread stories of owning binoculars that enabled them to see how people voted. Such stories may have scared many straight forward people. Thus, power still influenced the 2008 elections but it was not the “old” state which was effective but the “new” regime that prevailed. The raw coercive power of the mobilized parties was more effective than the traditional clientelistic distribution of resources and subtle manipulations of electoral mechanisms through the control of government agencies.

The Maoist intimidation was effective because a few Maoists could threaten dozens of cadres of other political parties. The perception among the non-Maoists that the Maoist could

employ violence, which was fuelled by their past violent history and continuing occasional violent activities helped to create fear among supporters and cadres of other parties as well as common citizens. The Maoists cadres were also emboldened because of psychological support they received from the Peoples Liberation Army (PLA). In fact many PLA personnel left their cantonment to campaign during the election (INSEC 2008).

The Maoist got away with their violent activities partly because the seven parties fighting the regression of the king reached a settlement with the Maoists to force the King to give up power and had not thought thoroughly possible violence in the future and did not develop mechanisms to monitor and manage it if occurred. The absence of a legitimate third party mediator also meant that a legitimate body did not exist to monitor violence after the settlement. The UNMIN (United Nations Mission in Nepal) was largely confined to monitor the PLA in the cantonment as authorized by the seven parties and the Maoists.

The Maoist employed violence strategically and selectively. The highly partisan ruling political parties did not complain when the Maoists attacked other groups, parties and common people. When the Maoist began to attack cadres of the ruling parties, individual parties tried to negotiate with the Maoists to address the 'problems' the particular party and its cadres were facing. When the political parties realized that bipartisan requests and pressures did not work and realized that they had to deal with the Maoists collectively, the election was too close to negotiate an effective agreement and enforce it. The only alternative would have been to postpone the election, which could have created more problems as they would have received the blame for the third postponement.

A relevant question about violent activities is why did they not backfire? After all, the Maoists were engaged in extortions, took free food and shelter, assaulted people, forced people

to contribute labour for weeks for different activities, such as road construction. Many people were not happy with these activities and they could have voted against the Maoists. However, such voting did not occur in significant level. One explanation could be that such “victims” were small in number. This does not seem plausible as forced labour was almost universal in many areas. Further fear affects people even if they have not been direct victims. People could be anxious that they could be a victim in the future. A more plausible explanation in the context of large scale intimidation discussed earlier is that the people may not have voted against the Maoist because the environment to do so did not exist. The widespread violence and intimidation on the one hand and the failure of the state and other political parties to provide security and protection to voters on the other reduced effective choices to the people. Practically, the Maoists may have been the only “choice” for many people.

### INNOVATIVE STRATEGIES

The Maoist were successful in their movement, including the election to a large extent because of their brilliant strategies, such as adopting and raising ethnic issues, forming and deploying the YCL as a strong-arm agency for the election and other work once the PLA was confined to the barrack, preventing monopoly of state by older parties by insisting on a broad coalition of SPA and them, and so on. As an insurgent, the dynamics of being rebels made them take new initiatives to expand their base and dismantle the political forces occupying the state. Every rebel and opponents would attempt to that but the Maoists were successful. For instance, the Maoist forced the postponement of the November 2007 election by resigning from the coalition government because they perceived that popular support towards them had declined. What made them confident enough to take part in election after six months? They developed a



strategy for overcoming the problem by deploying hundreds of YCL and party cadres in the campaign and the polling stations. It was a strategy to win elections by supplementing popular support with votes through the show and use of force. The violence and intimidation generated demonstration effect and installed fear widely in cadres, supporters and leaders of other parties.

The Maoist win was also helped by their liberal promises. They promised different things to different groups facing discrimination and inequality. In a society of severe inequality and scarcity, hope and promises may have been better than no promises and hope. In the earlier elections, the CPN-UML benefitted from this ‘promising the sky’ factor but the party’s failure to fulfil earlier promises put it at a receiving end – its slogans and promises appeared not only unreliable but too little as well, especially with the emergence of the Maoists, who made more radical promises.

The Maoists had already addressed the potential monopolization of state forces and resources by the parliamentary parties by insisting on a broad coalitional government that included them to conduct the election. As one of the three important partner of the coalitional government they not only abused government resources for partisan purposes such as propagation by the state media under the communication ministry they controlled but also had a say in the policies for the deployment of the security forces.

### ***Ethnic Mobilization by a Class-based Insurgency***

The Maoist mobilization of the hill ethnic/caste groups paid rich dividends not only during the insurgency by providing recruits for the PLA, militia, and party but also in the election. The Maoist also fielded the most inclusive candidates in the election and not surprisingly, they won decisively in the regions of Magars, Tharus, Tamangs and Rais.

The Maoists, however, were not able to capture all the rising ethnic sentiments. In fact, the Madhesi and indigenous nationalities parties played a significant role in halting the Maoist momentum. The Madhesi movement in the central and eastern Tarai and the Limbuwan movement in the far eastern hills halted the Maoist momentum. The Maoists faced resistant in those areas due to conflict in interests. Some issues in the Maoists 40-points demand given to the government prior to launching the insurgency were against the interests of the Madhesi<sup>18</sup> while the proposal of a Kirat autonomous region went against the aspirations of the Limbus who wanted their own autonomous regions.

If the Madhesi movement had not appeared, the Maoists may have won more seats from the central and eastern Tarai as well. Similarly if the Limbuwan Federal State Council had not engaged the Limbus in an autonomy movement, the Maoists momentum may have swept the Limbuwan districts in eastern Nepal as well. The ethnic indigenous nationalities parties, even though they did not perform as well as the Madhesi parties, nevertheless, blunted the Maoist win by diverting the disgruntled votes towards them that could have gone to the Maoists.<sup>19</sup>

#### POWER, PRIVILEGE AND ORGANIZATIONAL DECAY

The Maoist also benefitted from the actions, inactions, omissions, and mistakes of competing parties. A major weakness of the older parties was the defunct organizations. First, as mentioned above the non-Maoist parties had not operated regularly in the rural regions during the insurgency in particular and thereafter as well due to Maoist threat and intimidation. The obstructions and disturbances prevented the non-Maoist parties from re-establishing party

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<sup>18</sup> In fact, the murder of a Madhesi cadre of MPRF triggered the widespread participation of Madhesis in the fledgling movement.

<sup>19</sup> They received nearly two percent of popular votes and the three parties that emerged out of the split of the National People's Liberation Party (NPLP) received 1.2 percent of votes, which is higher than what NPLP had received in 1999 (1.07 %).

organization and re-connecting with people. The party organizations, as a result, were in shambles, because of which the Maoists could easily sweep the parties aside. The lethargic attitude of the parties was also a major factor for the poor performance of older parties, especially in the hills. In retrospect, it appears that the major non-Maoist party leadership were not fully aware of the dire strait of their party organizations outside the Kathmandu valley.

The Nepali Congress and CPN-UML's culture of distributing tickets to cadres who hang around the supreme leaders in the center may have undermined their ability to gauge the needs, mood, and aspirations of rural people. Excessive reliance on student leaders by the Nepali Congress and CPN-UML also undermined grassroots leaders who understand people's pulses better. As a result, the NC and CPN-UML failed to understand and capture the sentiments of the people. A good example is their failure to cash on the rising aspirations of marginalized groups. The established parties, in fact, resisted or ignored the ethnic and nationalist aspirations, and they continued to favour the exclusionary nationalism and domination of CHHEM in practice despite the rhetoric of inclusion.

With regard to the Nepali Congress, ticket distribution based on loyalty to different factions than to popular and competent persons lowered its competitiveness. Less tickets to the youth and marginalized groups in the FPTP election demonstrated its lack of commitment towards inclusion. The continued domination of Bahun males in the CPN-UML organization and candidate list and its ambivalent attitude towards ethnic issues chipped away its support from the marginalized groups. On the other hand, YCL and the Maoists mobilized the disgruntled youth and marginalized people.

The weakened party organizations were the result of the absence of intra party democracy because of which competent leaders and cadres did not rise, party cadres and leaders did not

have significant role in formulating party policies and activities, and the top leadership did not receive genuine popular feedback. The undemocratic intra-party culture was also responsible for the disconnection of the leadership from needs and aspirations of cadres and common people. The Maoist may not have intra-party democracy as well but as a rebelling party they were flexible and sensitive toward the people because as rebels they had to mobilize them.

Being in the establishment side brought perks and privileges but eroded the older parties' ability to be inventive, flexible and alert. With its long tenure in government, the Nepali Congress had increasingly become dependent on the government bureaucracy and police to influence the elections. As mentioned above, the government agencies could not deliver this time. In the case of the CPN-UML, the party also enjoyed the perks and privileges bestowed upon its supporters by the international donors. The party relied heavily upon its vast network of human rights and development NGOs. This time the NGOs were less effective and in fact may have indirectly harmed the party's prospect by holding up cadres in the NGOs.

### **Conclusion**

The various factors pointed out above helped to build a momentum for the Maoists. Many people yearned for change while others voted for peace and stability. On the other hand, the Maoist also created an environment where other parties could not freely and fairly seek votes. The parliamentary parties could not re-establish connection with the people due to Maoist violence and intimidation, real as well as perceived. As a result in many cases people did not have effective "choice" in the election. While the established parties' organizations weakened not only due to inaction from the Maoist obstruction and intimidation during the insurgency and afterwards but also from undemocratic intra-party culture and inertia that resulted from enjoying

power and privilege. Meanwhile the Maoists continued to be innovative. All these factors helped to create a momentum for the Maoists.

The Maoists would have probably become the largest party without intimidation and violence because a large number of people aspired for change and other factors were also in their favour. The intimidation strategy nevertheless paid a rich dividend to the Maoists by increasing their vote and seat share, leaving the nearest party far behind. The long term affect of the success of this strategy could be that the Maoists could employ it again because it worked for them. Democracy, freedom, and Nepali people may become the victim if that happens.

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