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Elections in Nepal: Maoists Offer an Uncharted Course

The Maoist victory in Nepal's April 10 elections came as a shock to many observers in Nepal, India, and the United States. They will now head a minority government tasked with both writing the new constitution and running the country. India will be deeply concerned about the possible export of terrorism and insurrection from Nepal, and the United States faces the unpleasant prospect of a group it still designates as a terrorist organization presiding over an ill-governed country between India and China. The future of Nepal and its region depends on whether the Maoists decide to adopt democratic behavior, or whether the uncertainty of electoral politics leads them back to extremism.

Elections at last: Nepal has spent much of the past decade trying to resolve a civil insurrection, dealing with the effective caving in of its already weak government, and creating institutions that can give the country some steady leadership and governance in the future. The Constituent Assembly elections on April 10 were a major milestone in this process.

A decade-long civil war had pitted the Communist Party of Nepal, known as the Maoists, against the fragile democratic governments that had governed since the end of the absolute monarchy in 1990. Fighting cost some 13,000 lives. The government, and the royal role in it, took a large step downward in 2001, when the then-crown prince killed the king, most of the royal family, and himself, leading to the accession of the deeply unpopular King Gyanendra and the installation of his universally mistrusted son Paras as crown prince. The next turning point occurred in February 2005, when Gyanendra seized absolute power from the elected government and used the palace-controlled army to crack down harshly on the Maoists. The result was widespread disenchantment and protests against repressive policies.

The Maoists and the democratic parties, tactically united in opposition to the king, found their opening

when antigovernment protests ground Kathmandu to a halt in April 2006. The king relinquished all powers to the civilian government, effectively taking the air out of the civil war. The war's de jure end came in November of that year when the Maoists signed a cease-fire agreement under which they voluntarily barracked their People's Liberation Army (PLA) and locked up its arms. The arrangement was placed under UN supervision, but the Maoists retain the keys to the arms lockups. The agreement further stipulated that a Constituent Assembly would be elected in order to draft Nepal's new constitution and function as its legislature. Two planned election dates were missed, in part because the Maoists, apparently fearing defeat at the polls, walked out of an alliance with the democratic parties in an interim government.

In the April 10 elections, the Maoists stunned everyone by winning 220 of the Constituent Assembly's 601 seats. Their nearest competition, the Nepali Congress Party of former Prime Minister Girija Prasad Koirala, won 110, and the Maoists' former comrades, the Communist Party of Nepal (Unified Marxist-Leninist), took 103 spots. Two ethnic-based Madhesi parties, representing people from the Terai plains bordering India, came in fourth and fifth place, winning 72 seats between them; Madhesis account for about 30 percent of Nepal's population. The next prime minister and cabinet will have the ability to appoint an additional 26 members.

The Maoists show a democratic side: The election results mark a potential turning point for the Maoists. Since 2006, they have gone from being insurgents running a state within a state throughout Nepal's countryside to having a seat at the head of the table in the country's capital. Their use of violence has diminished, but intimidation continues. Maoist leader Pushpa Kamal Dahal, still going by his nom de guerre, Prachanda, and his followers will need to form a coalition government with other parties, and they will be eyeing the most important levers of power—the Home, Finance, and Defense Ministries.

They will also be in the position to name Nepal's next prime minister after Koirala. The Maoists now have the power to determine the course of Nepali politics.

But with that power comes great responsibility. Expectations for meaningful change in the lives of Nepal's many minority groups and Maoist supporters are high. Already, some are bitter that the Maoists appear to have abandoned their roots as leaders and have assumed the trappings of political elites, such as nice cars and various perks. Prachanda himself has had something of an image makeover, abandoning his combat fatigues for business suits. The Maoists will be in the lead when it comes to enacting a constitution advertised as a democratic solution to Nepal's long-standing divisions.

However, there is no indication that the elections represent a complete break with Maoists' past. Although the PLA remains in UN-monitored cantonments and its weapons under Maoist lock and key, the Maoists have unleashed a different force for intimidation and violence, the Young Communist League, often directed by former PLA officials. As happened in September 2007, the Maoists have been known to walk out of the transitional process, and there is no guarantee that they will not threaten to retract their one-third share of assembly seats should other participants not follow their lead in government or writing of the constitution. Nepal's democratic governments of the past two decades have had a very confrontational style of politics. This, and the Maoists' success with strong-arm tactics as spoilers in the past, may embolden other parties to walk out as well. This will make the broad consensus needed to create the new constitution difficult to achieve.

The losers—the king and the political parties: The election spells the end for King Gyanendra—his regal days are numbered, as are those of Nepal's status as the world's only "Hindu kingdom." The dethronement of the king and establishment of a republic has been a key plank in the Maoist agenda, and both are expected to be made official during the first meeting of the Constituent Assembly.

The other big losers from the Maoist victory are the democratic parties that ruled for most of the period after 1990. The Nepali Congress (NC) and Communist Party of Nepal (Unified Marxist-Leninist, UML) had led largely weak and ineffective governments marked by intense confrontational politics. The parties came to be viewed as elitist organizations, unrepresentative of Nepal's ethnically and linguistically stratified society, and whose rule

had brought little stability and even less economic development and improvement in people's lives. The Maoists, despite their track record of violence in the villages, fielded ethnic- and caste-appropriate candidates throughout the country, in addition to many women. This may have been more important than revolutionary sentiment in explaining the voting results.

In the not so distant future, the NC and UML will have to decide whether their modus vivendi with the Maoists is better served by siding with them or opposing them. The larger of the two Madhesi parties, the Madhesi People's Rights Forum, with 52 seats, seems to be moving in the direction of cooperation with the Maoists. The Maoists for their part will need to determine how they can achieve not only the simple majority to run the country, but also the supermajority needed to write and adopt a new constitution.

From here, an uphill journey: The Constituent Assembly is to convene 21 days after the official election results are issued and will have two years to draft the constitution, with a possible six-month emergency extension. The rules for approval of the constitution are daunting: all provisions of the constitution must pass with a quorum of two-thirds of the assembly present and no opposing votes cast. If not, interparty consultations are necessary, or the matter can be referred to a referendum by a two-thirds vote. In other words, the process promises to be confusing, arduous, and time consuming.

With the fate of the monarchy sealed, the major constitutional issues to be decided are the structure of government, protection of ethnic and social minorities, and the scope for federalism. Nepal's ethnically and physically fragmented population would seem to be a natural candidate for a decentralized government, and various ethnic groups have welcomed the Maoists' support for federalism and greater devolution of power, but demarcating those more autonomous regions will prove difficult. Quota systems are already in place in electoral rules and are already controversial. The Maoists appear to lean toward a presidential rather than a parliamentary form of government. The key question is not which structure is theoretically sounder, but which can better provide security and economic growth to people who have seen too little of either.

The Constituent Assembly is responsible for running the government in the interim, and the challenges of governing will confront the Maoist-led government

right away. Nepal is one of the poorest nations in South Asia, has been ill-governed, and is incredibly diverse. It has no strong institutions and a very weak civil service. The Maoists are inexperienced in the ways of national government and not yet even novices in the ways of lawful political activity.

Perhaps the direst short-term challenge will be what to do with the more than 30,000 Maoist fighters in the PLA. They cannot be easily integrated into the Nepal Army, the country's most capable institution. If the democratic process breaks down, command and loyalty of the army will be critical. The army has followed the orders of the elected government until now, but had been the most royalist of Nepal's institutions. General Rookmangud Katawal, head of the Nepal Army since September 2006, is considered to be much closer to the king than his predecessor. In the case of a future crisis, one cannot rule out some kind of military move.

India in an uncomfortable position: India sees Nepal as lying within its security perimeter. The countries share much linguistically, religiously, and ethnically. There are strong historical ties between the Indian military and Nepalese Gurkhas, as well as the Nepal Army. There have also been ties between Nepal's Maoists and the "Naxalite" insurgents active in Central India. The 1950 Treaty of Peace and Friendship creates a free and open border between the two countries, the likes of which exists nowhere else in the modern world. With its mountains and rivers, Nepal could sell electricity to an energy-starved India in the future.

The Indian government was caught off guard by the Maoists' victory. External Affairs Minister Pranab Mukherjee has welcomed the Maoists into the democratic process and is expected to visit Nepal soon. India has replaced its ambassador to Nepal. India will be deeply concerned about any indications that the Maoists are providing aid or sanctuary to Naxalite insurgents or other hostile forces, or that China is gaining greater standing as a security partner in Nepal. As one sign of trouble ahead, Prachanda has recently reiterated his desire to scrap the 1950 treaty.

Prachanda has talked of having good relations with India and China in the same breath, but also said that Nepal will remain "equidistant" from both. China has been quiet about the recent election, only welcoming the elections and wishing the best for Nepal's political stability and economic development. Despite an ostensibly shared ideological heritage, China and the Maoists have not seen eye to eye over the years,

but China will likely welcome stability on its Tibetan border in whatever form it takes.

For the United States, it's dealing with terrorists:

The United States has officially designated the Maoists as a terrorist organization since 2004. While Prachanda has said that he hopes that a Maoist-led government will have diplomatic ties with the United States—and he reportedly met with Ambassador Nancy J. Powell not long after the elections—the Maoists have yet to fully and convincingly renounce their use of violence, a likely prerequisite for decent U.S.-Nepal relations.

The bigger danger is that an ill-governed Nepal could become a sanctuary for unrelated radicals or Islamic extremists who could export terrorism, particularly via the open border with India. The December 1999 incident of Indian Airlines Flight IC-814—hijacked from Kathmandu and set down in Afghanistan after stops in India, Pakistan, and the UAE—serves as a warning of what could happen.

A peaceful and stable future for Nepal is in everyone's interest. More than anything else, this depends on the behavior of Nepal's political leadership; the Maoists' willingness to abandon their insurgent and violent past, and on the ability of Nepal's leaders to exercise the self-restraint and sagacity required to write and maintain the rules for an entirely new form of government.

—Jeffrey Ellis

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