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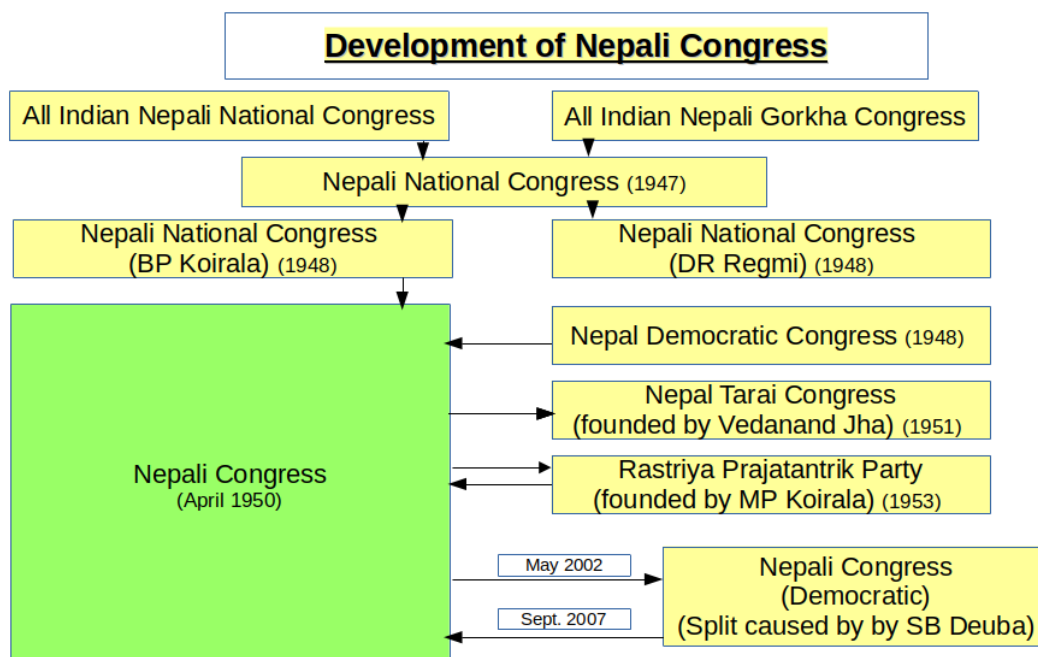
## Democracy and constitutional crisis in Nepal

By Karl-Heinz Krämer

Three and a half years after the overwhelming electoral victory of communist parties, the government led by Khadga Prasad Sharma Oli has come to an end after long internal party power struggles and various decisions of the Supreme Court (SC). Twice, Oli dissolved the House of Representatives (HoR) in order to avoid pressure from the elected representatives. Both times, the SC declared this unconstitutional and reinstated the House of Representatives. Oli could not be forced out of power either by a vote of confidence in parliament, which he lost in the meantime, or by the opposition's proof that it had sufficient votes for Sher Bahadur Deuba (Nepali Congress) as alternative prime minister. On 12 July 2021, the SC ordered Oli's replacement by Deuba. The latter won the necessary vote of confidence in the reinstated HoR on 18 July by a two-thirds majority.

## Factionalism in the political parties

All Nepali parties do not represent a real unity. This began with the oldest party still in existence, the Nepali Congress (NC), shortly after it was founded in the late 1940s in exile in India. Real splits are rare, but do occur occasionally. Sometimes the split parties reunite later, such as the CPN-UML (Communist Party of Nepal - Unified Marxist-Leninist) after a split in 1998 and the NC after a group around the current leader Deuba split from the parent party in 2002.



Splits and unifications in NC history (Source: KH Krämer)

As a rule, factions are formed under the umbrella of the common party. Ideological views play a secondary role. Rather, party leaders secure the support of politicians from the second and third party levels who serve to maintain their power and who, in turn, reward them with posts. The party leader is the top politician of the strongest faction. He is granted a power that in part has nothing to do with democratic rules. This phenomenon has played a not insignificant role in the recent power struggles.

Only in the Maoist party does factionalism play a subordinate role. Instead, there have been repeated direct splits in the past over the party's allegedly insufficiently revolutionary course, after it increasingly oriented itself towards the mainstream. Not infrequently, these split-off parties then soon split again themselves.<sup>1</sup>

### **Lack of social inclusion**

The overall problem in Nepal is the lack of inclusion in society. Creating such inclusion was the explicit mandate of the Constituent Assembly that began its work in 2008. Although Nepal's new constitution of September 2015 acknowledges the multi-ethnicity and religious and linguistic diversity of its citizens, the overwhelming dominance of people from so-called high Hindu castes (Tagadhari = bearers of the sacred cord) in all areas of public life has not changed. In particular, Bahun (Nepali for Brahmins), and to a somewhat lesser extent Chhetri, members of the second highest caste group in Nepal's hill country, dominate.

Moreover, since Nepal has remained an extremely patriarchal state, at least 80-90 per cent of all leading public offices and functions are occupied by male Bahun or Chhetri, who make up just six respectively nine per cent of the total population. The small male Bahun elite in particular dominates almost all political parties, decides on all political and administrative matters, fills the posts to be awarded with clientele from their own caste and identifies the characteristics of Nepali identity with their own culture, way of life and view of society. This has not changed under the new political system. Once again, the recent political power plays mentioned above took place exclusively within the circle of this high-caste male elite.

For a more than 70 years, the people of Nepal have been struggling for democracy. Seven constitutions have been created during this time. Time and again there have been setbacks. For example, the very cautious attempts for democratisation in the 1950s were followed by three decades of an absolutist royal system. The popular movement of 1990 shied away from a clear change and ended in a compromise between democracy and monarchy. This gave cause for a Maoist uprising in 1996 by leftist revolutionary forces, which the monarchy responded to with another coup in 2002. It was not until a second popular movement in 2005 that the course was clearly set for democracy. Through a Constituent Assembly elected by the people and yet again strongly influenced by the traditional elite, a constitution was created in 2015 that abolished the monarchy and the Hindu state and replaced them with a secular and federal republic, but prevented the inclusion and equality of all groups in society. Only six years later, therefore, there are renewed doubts about the continuity of this system.

### **People's rule or party rule?**

According to Article 2 of the current Constitution, sovereignty lies with the people. The people are to elect representatives every five years by means of free and secret elections at all three levels of the newly created federal system. The elected representatives form the legislature. They elect the executive from among their ranks, i.e. at the national level the Prime Minister, who then assembles his Council of Ministers. The Prime Minister and the Council of Ministers are responsible to Parliament, which can withdraw its confidence from the Prime Minister by a majority vote. All this is clearly and unambiguously laid down in Article 76 of the

1 For example, after the dissolution of the first Constituent Assembly in June 2012, a group around Mohan Baidya split from the Maoist party, then still CPN (Maoist), around the founding leader Pushpa Kamal Dahal. From this group, a section around Netra Bikram Chand split off in November 2014, calling itself CPN (Revolutionary Maoist) at that time, and still came to the fore with militant attacks in the election year 2017. The party now calls itself simply CPN. When Chand entered into dialogue with the established parties in spring 2021 and distanced himself from his militancy, Krishna Prasad Dhamala founded a new radical Maoist party called Jana-Samajwadi Manch (People's Socialist Forum). This reflects the tradition of Nepali parties: radical left parties are always formed, which then gradually move closer to the mainstream, triggering the formation of new radical parties on the left spectrum, which then gradually follow the same trajectory.

Constitution.

This understanding of democracy is based on the idea that popularly elected MPs are primarily accountable to their conscience. KP Oli, but also his political opponents, have expressed a different understanding of democracy in their power struggles in recent months. For them, party discipline is paramount, probably following British law: the party dictates to MPs how they should behave during votes. This is also reflected in the Political Parties Act of 2017.

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<b>Destabilisation of democracy and constitution under PM KP Oli</b>
End of 2017: CPN-UML and CPN-MC win parliamentary and provincial elections thanks to electoral alliance
15/02/2018: Government under Prime Minister KP Oli (CPN-UML)
18/05/2018: Merger of CPN-UML and CPN-MC to form NCP (Nepal Communist Party), KP Oli and PK Dahal joint chairs
2020: Intra-party power struggles at the top two levels of the NCP; PK Dahal cooperates with the former UML factions of MK Nepal and JN Khanal
December 2020: Oli changes the constitutional and legal regulations on the work of the Constitutional Council (responsible for appointing personnel to the constitutional bodies) by ordinance of the president
December 2020: Oli refuses to convene the HoR because it would have to sign off on the ordinance
20/12/2020: Oli orders the dissolution of the HoR and the scheduling of early elections for April and May 2021
23/02/2021: SC declares Oli's and the President's actions unconstitutional; HoR reinstated; but session ended soon without discussion of various bills and ordinances
07/03/2021: SC declares May 2018 merger of the two communist parties into NCP unlawful because a party of that name already existed; CPN-UML and CPN-MC revived at May 18, 2018 levels
10/05/2021: HoR reconvened; Oli defeated in confidence vote by clear margin; President Bidya Devi Bhandari reappoints Oli as PM (opposition unable to agree on alternative candidate)
21/05/2021: Oli again dissolves the HoR with Bhandari's ordinance and sets new elections for November 2021; Oli again confirmed by Bhandari as Prime Minister, although the opposition had proposed Sher Bahadur Deuba as an alternative candidate with 149 signatures (ignored by President); the annual budget is decreed by ordinance
24/05/2021: Oli undertakes major cabinet reshuffle, to include a faction of the JSPN
22/06/2021: SC declares cabinet reshuffle unconstitutional (not allowed under Article 77 (3) of the Constitution for an interim government); cabinet reduced to five persons
12/07/2021: SC declares second parliamentary dissolution unconstitutional; Bhandari ordered to appoint Deuba as prime minister on 13 July; HoR reinstated
18/07/2021: Deuba wins vote of confidence with two-thirds majority of votes (including votes from Oli faction); attempt to build national government; scheduled new elections in late 2022

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In view of the authoritarian and partly illegal power antics of their party leader Oli, many leading politicians of his CPN-UML no longer saw themselves in a position to follow Oli's instructions unconditionally; their own claims to power may well have played a certain role in this. Thus, in Deuba's vote of confidence on 18 July 2021 in the HoR, not only the CPN-MC (Communist Party of Nepal . Maoist Centre) and the JSPN (Janata Samajbadi Party - Nepal, People's Socialist Party - Nepal) voted unanimously for him, but also the well-known dissidents of the CPN-UML and even some MPs of the Oli faction.

The latter became possible because the SC in its most recent ruling had also mentioned basic rules of democracy. According to these rules, MPs are free to follow their conscience in important votes in parliament, such as the vote of confidence, if they do not want to follow the instructions of party discipline. However, if this is to be the rule in the future, the law on political parties would have to be amended accordingly, which currently still gives party discipline priority over democratic decisions of conscience by MPs. The court also stated that the speaker of parliament could call meetings if the prime minister and the

president refuse to do so or repeatedly delay them, as was often the case during Oli's time in office. Both decisions of the court may be seen as a precautionary measure if heads of government try to manipulate parliament in a similar way in the future for the sake of personal interests.

### **Role of the judiciary**

In recent months, the judiciary has been increasingly forced into the role of political arbitrator and constitutional interpreter. The judiciary had initially struggled with such tasks and in the past had occasionally issued rulings that left much to be desired in terms of clarity. While the judiciary is emphasised as independent by the Constitution, there are certain limitations due to the involvement of the political parties in the nomination of judges.

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The maturing process of the judiciary can be seen in the increasing clarity of judgements in recent months. During this phase, too, there have been repeated attempts to exert influence from outside by raising allegations of bias on the part of judges. In addition, there have been situations where SC judges entrusted with a case have maintained personal contacts with one side or the other of the disputing parties. All this has been increasingly eliminated or avoided.

However, one must also give the SC credit for the fact that the behaviour of KP Oli in the past months has gone beyond the bounds of democratic thinking and action. After the first dissolution of parliament, the SC took its time and passed a judgement that left little to be desired in terms of clarity. Oli, however, has repeatedly shown thereafter that he required crystal clear guidelines and deadlines and that he was not to be given any room for interpretation.

The SC clearly took this to heart in its latest ruling on 12 July. Oli was removed and had to vacate office within a day. The president, Bidya Devi Bhandari, who had been severely neglecting her duties and was in every way in bondage to Oli, was made to swear in Deuba and reconstitute the House of Representatives within the shortest possible time. At the same time, clear democratic rules were demanded for both the future convocations of parliament and the freedom of conscience of MPs based on the constitution.

In summary, the SC has contributed quite significantly to saving democracy and the constitution with its recent decisions.

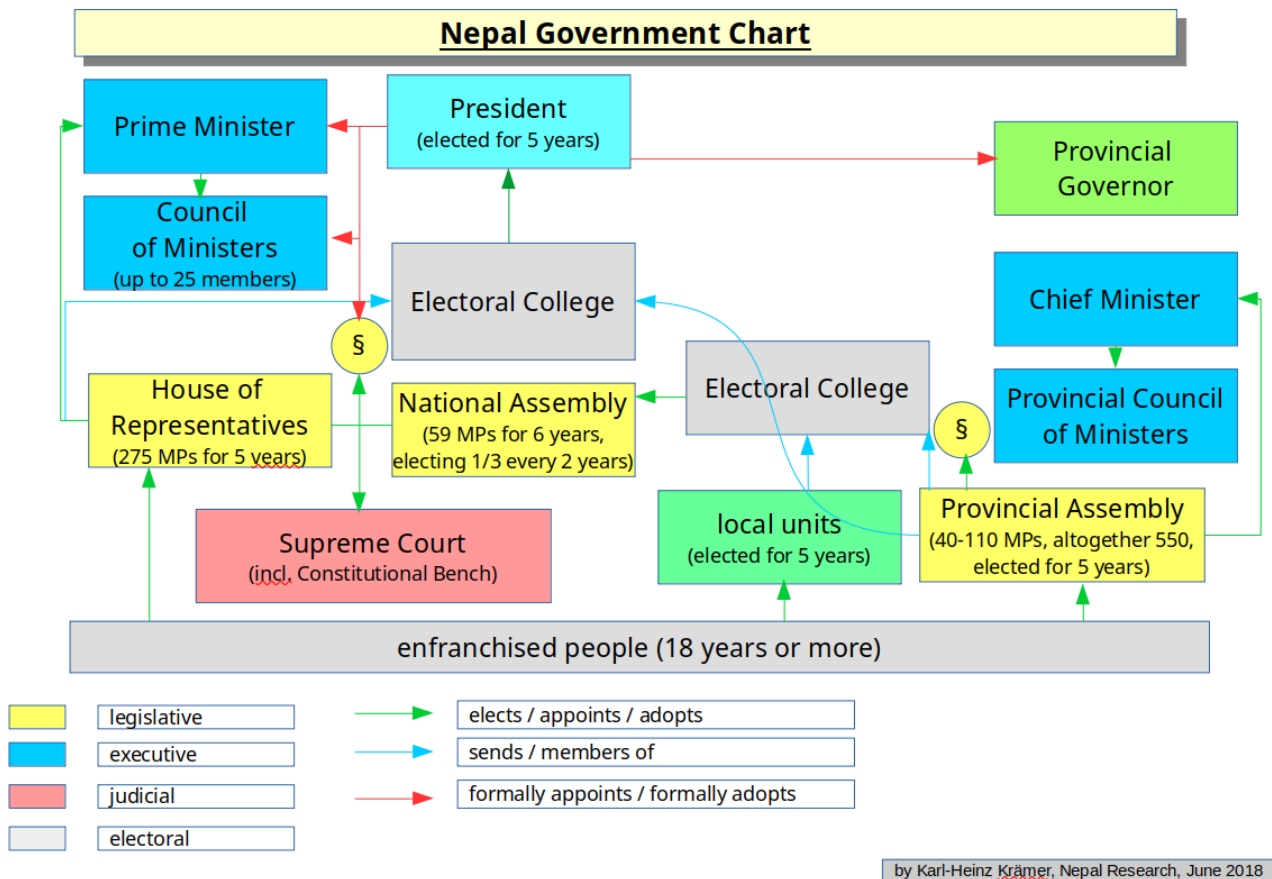
### **Ethnicity, secularism and federalism**

Nepal had already declared its support for the multiethnicity and multilingualism of its inhabitants with the constitution of 1990. A shortcoming of that constitution, however, was the adherence to the Hindu state in combination with a constitutional monarchy. The monarchy had made itself superfluous through King Gyanendra's coup in the early 2000s and was consequently abolished at the very first session of the Constituent Assembly in May 2008.

With the constitution of September 2015, Nepal was declared a federal republic, to which all political parties had previously committed themselves. Despite this general commitment, the federal configuration of the country had been by far the biggest bone of contention in the Constituent Assembly. The first assembly had failed on this in May 2012 and the second assembly left a lot open in the end and simply transferred the remaining tasks to the first elected parliament or the provincial assemblies.

For this purpose, they were given a period of six months from their first meeting. At the very least, the names of the seven provinces, which were only numbered from east to west in the constitution, and their respective capitals were to be determined by then. This should have been done by mid-August 2018 at the latest. In this time frame, this did not succeed for any province. At present, the two easternmost provinces still do not have a name. The problem in the Constituent Assembly had been that the ruling elite of the male Tagadhari, who

also dominated the Constituent Assembly despite all the inclusion guidelines, in no way wanted the names to be related to the ethnicity of the groups living there or even to their history. An example: The territory of Province 1 largely coincides with that of the former Kiranti states that existed there before the military subjugation by the Shah monarchy in the mid-18th century. Among other names, the name Kirat was proposed for Province 1. This proposal met with little approval, as the history and culture of the country's ethnic groups is still only marginally acknowledged in the country's conception of history and is therefore absent from school curricula.



The idea of the federal system had been to upgrade the areas outside the Kathmandu Valley and its immediate surroundings and to better integrate them into the overall state. The extremely excessive centralism had been introduced in the early Shah and Rana periods (mid-18th to mid-20th century) and can only gradually be overcome, also thanks to improved infrastructure.

Many of the ruling male elite have shown little interest in implementing and developing the federal system in recent years. Oli has even gone as far as to bring competences that had already been transferred to the provinces or to the local level of municipalities and rural municipalities back under central control. In general, there is still a lack of clear demarcations between the tasks of the three federal levels. In particular, there are hardly any fiscal regulations. Thus, the provinces have few sources of financial revenue and are dependent on the national level's monetary allocations to prepare their budgets and development plans, i.e. they are kept in dependency. The attitude of the central political elite is mainly explained by the fact that it wants to continue to keep everything under its control.

Similar to federalism is the realisation of secularism. Nepal is a multi-ethnic and multi-religious state. However, it is still difficult to make clear statistical statements because the population census, which is conducted every 10 years, has been politically abused and manipulated in the past. The methods used so far are also scientifically unsatisfactory and inadequate. Therefore, a new approach was to be used for the first time in 2021 to finally obtain a correct picture of the population. Due to the Corona pandemic, however, [the census had to be suspended](#) for the time being.

Without any doubt, Hinduism is the most practised religion in the country. In the days of the monarchy, the

census listed around 90 percent Hindus, in 2011 it was still around 80 percent; in the 1960s and 1970s, by contrast, ethnologists spoke of 65 percent at best. One problem with the census is that the boundaries between the religions in Nepal are fluid and subject to a greater or lesser degree of syncretism. The ethnic cultures still contain many animistic and nature-religious elements that have been overlaid and assimilated by the high religions of Hinduism and Buddhism in the course of time.

Another problem is the national identification of religion and culture with all its side aspects by the ruling male elite of the country. Hinduism may have been abolished as the state religion, but in the minds of this elite it prevails with all its phenomena: state festivals and ceremonies, symbols of state institutions, flag design and colours, national dress, patriarchy, caste system, issues of untouchability, etc.

While Prime Minister Oli has always portrayed himself as a supposedly open-minded democrat during his tenure, he never missed an opportunity to highlight Nepal's [special ties to Hinduism](#), for example during a state visit by the Hindu fundamentalist Indian Prime Minister Modi. Oli even tried to highlight Nepal as the nucleus of Hinduism by claiming that Ayodhya and the mythical birthplace of Ram were actually in Nepal. But there have also been repeated calls from the new ruling party, the NC, for a return to Hindu state, for example from [general secretary Shashanka Koirala](#). Even Rabindra Mishra, the leader of the fledgling Bibeksheel Sajha Party (BSP), which touts itself as an alternative to the established parties, is now calling for a [referendum on abolishing federalism and secularism](#).

### **The interests of the Madheshi**

Special attention is paid to the flat Tarai region of southern Nepal, called Madhesh<sup>2</sup> by the mountain elite. All inhabitants of the Tarai are collectively referred to as Madheshi, although the full meaning of this term is disputed. The Tarai is also home to numerous ethnic groups who classify themselves as belonging to the hill ethnic groups (Janajati); the most significant of these groups are the Tharu, one of the largest ethnic groups in the country. In their eyes, only the Hindu and Muslim castes of the Tarai should be called Madheshi, whose ancestors were lured in the Rana period from neighbouring Indian areas to settle in the then still heavily malaria-infested area for the purpose of economic development. Since then, intensive family relations have existed across the open border. Since, according to the mindset of the ruling male Hindu elite in Kathmandu, only persons whose fathers already held Nepali citizenship are recognised as full Nepali citizens, and the citizenship of the mothers does not really count, many Madheshi have to fight for their nationality and the rights that depend on it in Nepal. According to the annual [human rights report of the US Department of State](#), several million people in the Tarai are stateless.

The Janajati groups had become active at the time of the 1990 democracy movement and founded socio-cultural organisations to preserve their own cultures and languages. During the drafting of the November 1990 constitution, they also made political demands for the first time and demanded the creation of a secular state.<sup>3</sup> Although they failed with this demand, especially since they were not involved in the Constitutional Commission, in the following years, members of the Janajati increasingly succeeded in gaining a foothold at least at the lower and middle levels of the major political parties.

Among the Madheshi, political awareness developed somewhat later. Similar to the Janajati, identification efforts initially started with cultural and historical issues. They felt that their distinct culture and languages were marginalised and not really respected in modern Nepal. They were also bothered by the fact that the mountain elite was gaining a stronger foothold in their Tarai region. While in the first half of the 20th century only 30 per cent of the Nepali population was living there, predominantly Madheshi and Tarai ethnic groups, today the lowlands are home to more than half of the Nepali people.

On the other hand, given the ancestral origins of the Madheshi and the unchanged close family ties across the open border, the mountain elite likes to regard them as Indians who are distrusted, who are not seen as real Nepalis. Recognition as Nepali while preserving their own social characteristics was therefore the focus of

2 Derived from Sanskrit. Madhya Desh referred to the land between the Himalayas and the Vindhya Mountains, ultimately the extended Ganges plain.

3 Krämer, Karl-Heinz. Ethnizität und nationale Integration in Nepal: Eine Untersuchung zur Politisierung der ethnischen Gruppen im modernen Nepal. Südasiens-Institut der Universität Heidelberg: Beiträge zur Südasiensforschung, Band 174. Stuttgart: Franz Steiner 1996



the Tarai political parties, which were now being formed in increasing numbers.



*JSPN leaders Baburam Bhattarai and Upendra Mahato (Source: The Kathmandu Post, 26 July 2021)*

Although a few Madheshi parties had already emerged in the 1990s, they no longer exist or have become insignificant. However, this development exploded after the Madheshi again felt left out during the creation of the interim constitution of January 2007 and the subsequent preparations for the elections to a Constituent Assembly. At that time, some of the few prominent Madheshi politicians involved in CPN-UML and NC resigned from these parties and formed new parties in their home region that specifically addressed Madheshi concerns. Despite their common interests, however, there was a lack of cooperation right from the start, because here, too, personal claims to power by the top politicians were very often in the foreground. Closer cooperation came only during the second Constituent Assembly (2013-2015).

In view of the federal state to be created, the Madheshi feared that their home region, the Tarai, could be fragmented by integration into several provinces. In the first Constituent Assembly, through tough negotiations, they had been able to secure a commitment from the mountain elite that the Tarai would be divided into two independent provinces only, with no share in the hill provinces. In the second assembly, however, the NC and CPN-UML, with their now clear majority, pushed through their long-cherished plan not to create separate Tarai provinces. In the end, six of the seven provinces got a share of the main Madheshi settlement area.

Immediately after the adoption of the constitution, dissatisfied Madheshi therefore set up blockades on the Indian side of the border, which was tolerated and encouraged by the Indian government, as India was also not very happy about the new Nepali constitution. In Nepal, KP Oli became prime minister for the first time after the constitution came into force. He tried to crack down on the blockade, which was readily portrayed as one exclusive by India. Several violent clashes and killings occurred in the Tarai at that time.

Before the elections at the end of 2017, the Madheshi parties regrouped. Only two of them made it into today's parliament, where only five parties are represented at all thanks to the introduction of a percentage hurdle. Three other parties have made it to the House of Representatives, each with one directly elected MP. The Samyukta Samajbadi Forum - Nepal (SSFN, United Socialist Forum Nepal) was already based on a cooperation between Madheshi and Janajati. It was later joined by the former top Maoist politician Baburam Bhattarai, who had also entered parliament through a direct mandate. The SSFN had 17 MPs, the same number as the other Madheshi party, the Rastriya Janata Party Nepal (RJPN). In 2020, these two parties

merged to form the Janata Samajbadi Party - Nepal (JSPN) without really finding unity. The latter became evident in 2021 when KP Oli tried to foment discord between the two factions in order to win a section of MPs for his retention of power. Today, therefore, the JSPN is in shambles.<sup>4</sup> On 18 August 2021, the faction led by Mahanta Thakur and Rajendra Mahato officially split from the JSPN and now calls itself the Loktantrik Samajbadi Party.

### **The Deuba government, a stopgap**

Oli's anti-democratic machinations were brought to an end in the last days and weeks because the opposition, which was also joined by parts of Oli's CPN-UML, agreed on Sher Bahadur Deuba as a joint alternative prime minister. How is this new government to be assessed?

The decision fell on Deuba because his NC was the second strongest party in the House of Representatives after the CPN-UML. However, it must be remembered that the NC only has 23 percent of the seats. Deuba is therefore dependent on the other parties or factions that have now helped him to office. He himself therefore likes to speak of a national government that he leads. CPN-MC and JSPN have already expressed their expectations for ministerial posts. In the end, there may not be more than 25, as this limit was set by the constitution. However, it is already clear that there will be the usual jockeying for position.



*Sher Bahadur Deuba sworn in as PM by President Bidya Devi Bhandari (Source: Annapurna Post, 14 July 2021)*

Five weeks after his appointment as prime minister, his cabinet comprises only five persons. The background is still the question of the participation of the UML faction of MK Nepal and JN Khanal, without whose votes it will be difficult for Deuba to govern. There is also no discernible change in terms of better social inclusion. Almost all the posts awarded so far have been given to male Tagadhari. In general, Deuba's actions show more and more similarities to those of Oli. On 16 August 2021, for example, the session of the HoR was ended abruptly, although numerous important laws were still to be passed. One day later, it became clear why this happened: the Deuba government decreed by ordinance an [amendment to the Political Parties Act to facilitate the splitting of parties](#). Of course, Deuba had the Nepal/Khanal faction in mind.<sup>5</sup> But the split of the JSPN was also only made possible by the ordinance. But the split of the JSPN was also only made possible by the ordinance.

Unlike during the Oli government, when President Bidya Devi Bhandari signed the ordinances submitted by Oli on her feet, this time she took a day, giving [the impression that she was finally fulfilling her obligation](#) to uphold the Constitution and examine the document thoroughly. Of course, one could also get the impression that she wanted to give Oli one more time to get rid of the dissidents in his party. Thus, even before the ordinance was signed, Oli expelled 14 disliked CPN-UML politicians, including MK Nepal, from the party, which meant that they would lose their MP status.

4 Kishor, Chandra. 2021. [जति नेता त्यति गुट : जुन समुदायमा आफ्नै सरकारसँग लडने शक्ति हुन्छ, त्यसले चिरकालसम्म उसलाई पराजित मनोविज्ञानमा रहन दिन्न ।](#) [The more leaders, the more factions : A community that has the power to fight its own government should not be allowed to live in a defeatist mentality forever]. Kantipur, 22.7.2021

5 So far, the law required that in the case of a party split, it had to be supported by at least 40 per cent of that party's MPs. Now this hurdle has been lowered to 20 per cent because otherwise the UML faction around MK Nepal and JN Khanal could not split from the mother party.



Notwithstanding the party's expulsion, MK Nepal registered its new party on 18 August under the name CPN (Ekikrit Samajbadi). In favour of this decision is the fact that the SC had stipulated in its ruling of 12 July that in the confidence vote for Deuba, which took place on 18 July, all MPs were free to vote according to their conscience and disciplinary action by their parties was prohibited. An argument against the registration of the new party is that lawsuits against the dissolution of parliament for the purpose of amending the law by ordinance are already pending before the SC. It is therefore quite possible that the two party splits that have taken place will be declared invalid. The chaos unleashed by the failed, power-hungry and vindictive politicians is then likely to continue.

A look at Deuba's past is also important. He is now prime minister for the fifth time and has failed four times before. Two of his terms have left a particularly negative mark on Nepal's modern history. When Deuba first became prime minister in late 1995, he had only a single-vote majority in parliament. His council of ministers was correspondingly expansive. At times, every second MP who supported him was given a cabinet post. This was the time when the Maoists were forming in the mid-western hill region, and Deuba tried in vain to counter this development with harsh actions by the security forces. When the Maoist party approached him with a 40-point list of demands in January 1996, he completely ignored it, although 37 of the demands were very rational and in line with the constitution, and most of them were even given in the government's state policy guidelines. The result was the outbreak of the Maoist insurgency.

At the beginning of his second term, in June 2001, Deuba sought a peace dialogue with the Maoists, but unlike the latter, without any agenda. When this attempt failed in November, Deuba called on King Gyanendra to declare a state of emergency and mobilise the army. The result was the complete escalation of the conflict with thousands dead, injured and disappeared. In May 2002, when Deuba could not even get his own party to agree to an extension of this state of emergency, he called on the king to dissolve parliament and call new elections for November 2002 in order to maintain his own power. The situation was thus very similar to the one recently brought about by Oli. When the elections could not be held because of the escalated Maoist conflict, Deuba asked King Gyanendra to postpone the election date in early October 2002. That was when Gyanendra deposed him for incompetence and took power himself, both of which were in clear contradiction to the 1990 Constitution.

Ultimately, then, Deuba was complicit in both the outbreak of the Maoist insurgency and its escalation, and he later paved the way for the royal coup. These "merits" weigh heavily in any assessment of the present prime minister. For the moment, as leader of the strongest opposition party, he may have been a stopgap, given the urgent need to end Oli's authoritarian and unconstitutional regime, but no more. For the next one and a half years until the scheduled new elections, he may well now remain in office and prove that he has changed, which, however, many already doubt.<sup>6</sup> The tasks are manifold and not easy to manage, especially in view of the diversity of the coalition partners.

Five weeks after the swearing-in of the new prime minister, it is clear that while constitutionality has been restored, [there is little else to distinguish it from the numerous previous governments](#). Once again, a small circle of high-caste politicians is competing for the posts. Provincial governors appointed by KP Oli are being replaced. Ambassadors appointed by Oli, most of them completely inexperienced minions of Oli and not career diplomats, are withdrawn. The new government majority also transfers its dominance to the provinces. At the same time, the internal factionalism of the parties involved in the new government is maintained unchanged, which is unlikely to be conducive to the work of the new government.

It is already apparent that the new government is not very interested in the implementation of human rights either. The two commissions to clarify the crimes from the time of the Maoist uprising and to create justice for the victims were immediately extended. However, these commissions have hardly worked effectively so far, which is due to inadequate legal regulations on the one hand, but also to a lack of personnel and funds on the other. Furthermore, with Pushpa Kamal Dahal and his CPN-MC, one of the civil war parties is involved

6 The following analytical articles should be referred to at this point: Lal, CK. The curse of tinpot heroes : Our self-important politicians falsely believe they have made huge sacrifices for the country. The Kathmandu Post, 21.7.2021. Manandhar, Narayan. The Accidental Prime Minister. República, 22.7.2021. Dahal, Dev Raj. The Anatomy Of Authoritarianism. The Rising Nepal, 17.7.2021. Damala, Bhupa P. Embracing The Essence Of Democracy. The Rising Nepal, 19.7.2021. Thapa, Deepak. Will Deuba be a changed man in his fifth outing? There seems to be little hope that Deuba would be any better than Oli in terms of governance. The Kathmandu Post, 22.7.2021. Pathak, Sumit. Legacy of KP Oli: Dismantling rule of law. República, 18.7.2021

in the government and thus has a say in the establishment of justice. Some time ago, Dahal admitted that he was responsible for around 5,000 deaths during the uprising, but he does not intend to draw any consequences from this.

Deuba is already 75 years old and wants to be elected for another five years as chairperson at the upcoming NC party convention, a fact that has already triggered fierce power struggles in the party. This reflects a fundamental problem of Nepal's political parties. They all lack internal democratic structures and adequate social inclusion. Most importantly, the party leaderships are completely over-aged and refuse the fluid integration of a younger generation. Changing this should be at the forefront of all parties' minds over the next 18 months. If this does not succeed, and doubts are well-founded, democracy and political parties in Nepal will continue to be in a sorry state.