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Resilience in Nepali politics¹

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Nepal has had to deal with many events in the past decades, such as the Maoist insurgency, King Gyanendra's coup, the earthquakes of 2015, the difficult creation of a new constitution, the endless infighting of political parties and their top leaders, and the pandemic. I think the people have not been discouraged by all this. They have developed the resilience that is the theme of this Nepal Day. I would like to talk here about some recent political developments, looking at resilience mainly from the point of view of politicians and political parties.

For politicians, what matters is staying in business or being able to bounce back when the time comes. From their point of view, this can be called resilience, and by this standard, almost every politician is resilient. Another aspect of political resilience is that a party loses an election and all the political pundits write it off, and then that party still does well in the next election, or even comes back in charge sooner, as the Nepali Congress (NC) is doing now. Ultimately, all this is nothing more than the natural process of change and does not say much about the performance of politicians or their parties.

Resilience in politics further has the meaning that a politician has a lust for power and exercises this power even if he or she no longer has a moral right to this position. Resilience, according to this definition, can thus be a synonym for unconscionability and lust for power in politics. However ingenious the politicians may appear, in the end they have nevertheless harmed the citizens just to gain or keep office.

Political Resilience in Nepal 2021

What does this mean when applied to the latest developments in Nepal? I assume that all participants of this Nepal Day are informed about the most important political events of the past year. Therefore, I will start by very briefly summarising only six of the most important ones before turning to an analysis of them.

At the end of 2020, Nepal's politics were increasingly marked by infighting within the then ruling Nepal Communist Party (NCP). Shortly before Christmas, Prime Minister Oli dissolved the House of Representatives (HoR) and called for new elections to forestall removal by the elected representatives of the people. The Supreme Court (SC) denied him this right, and reinstated the HoR.

In March 2021, the SC declared the merger of Communist Party of Nepal (Unified Marxist-Leninist) [CPN (UML)] and Communist Party of Nepal (Maoist Centre) [CPN (MC)] to form the NCP, which took place in May 2018, illegal because another party was already registered under that name at the time. Why this happened only after almost three years remains a legitimate question. The two original parties were reactivated.

This thoroughly shuffled the balance of power. In a constitutionally required vote of confidence, the House of Representatives withdrew its confidence from Oli by a clear majority, but he did not see this as a reason to resign, especially since the opposition could not agree on an alternative prime minister.

When the opposition then proved in May 2021 by means of a signature list that Sher Bahadur Deuba,

1 This article is the English translation of a lecture given by the author on 5 December 2021 at the Nepal Day of the Deutsch-Nepalische Gesellschaft in Cologne.

president of the Nepali Congress (NC), had the necessary number of MPs behind him, Oli dissolved the HoR again despite the February court ruling. The SC once again declared this unconstitutional in July 2021, reactivated the HoR, removed Oli as prime minister and asked President Bidya Devi Bhandari to swear in Deuba as the new prime minister. A few days later, the HoR gave Deuba a vote of confidence by a slim two-thirds majority.

A little over a month later, Deuba acted in a similarly anti-democratic manner as Oli before. He ended the session of parliament, amended the Political Party Act (PPA) by presidential ordinance to allow a split of the CPN (UML) and reconvened parliament. Following the successful split of the Communist Party of Nepal (Unified Socialist) [CPN (US)] from the CPN (UML), Deuba withdrew the ordinance and restored the PPA to its earlier status.

About three months after taking office, Deuba finally completed the Council of Ministers, appointing a regional NC politician who was not a member of parliament as Minister of Industry and Commerce. Coincidentally, this was the Chief Justice's brother-in-law. The widely suspected threat to the separation of powers plunged the judiciary into a serious crisis that continues to this day.

Democracy deficit

What are the causes of the permanent crisis of parliamentary democracy? All of Nepal's political parties show great deficiencies in terms of democratic structures and modes of action. Oli provided only the most blatant example of an authoritarian power politician. Even the legal basis for the actions of parties and politicians is in urgent need of democratisation. Here, the aforementioned PPA, which regulates the structures, rights and duties of parties, should be mentioned as a priority. This law, which was strongly revised in 2017, is in fact primarily geared towards securing party rule, or more precisely that of their leaders, and not towards the rule of the people. It clearly reflects the interests of the parties' top politicians. They enjoy a seemingly undemocratic amount of power, as demonstrated once again this week by the CPN (UML) party convention. Dissent within the party can be punished by the party president at any time with disciplinary measures, ranging from a temporary exclusion from the party to a permanent exclusion, combined with a withdrawal of MP status. For this, a mere notification by the party leader to the parliamentary secretariat is sufficient.

To stay with the example of this year's crisis: When within the reactivated CPN (UML) the faction around Madhav Kumar Nepal continued to try to pressure party leader Oli to resign, this could not be done officially because otherwise the dissidents would have been expelled from the party and parliament. Later, on the SC-appointed PM Deuba's vote of confidence, the court had exceptionally suspended the voting procedure otherwise applicable under the PPA, in accordance with the party leadership's directive. This court order nevertheless did not prevent Oli from taking disciplinary action against the dissidents.

According to the PPA, a dissident group can only secede from the parent party without losing MP status if it has 40 per cent of the party's MPs. This did not apply to the Madhav Kumar Nepal faction. So Deuba temporarily changed this to 20 per cent by ordinance, as he was dependent on the continued support of the MK Nepal faction for his own retention of power.

Social Inclusion and networks

The democratic deficit also includes the exclusion of large sections of Nepali society, which remains unchanged despite the new constitution, although after the end of the royal coup all parties had loudly declared their commitment to adequate and equal participation of all social groups. Constitutional and legal arrangements had been made for the elections to the two Constituent Assemblies (CA) to ensure adequate participation of all sections of society. This included a two-track electoral system: 60 per cent of the MPs were selected from party lists, which ensured the inclusion of all social groups in accordance with their share of the census data. According to the transitional constitution, the parties were also supposed to use these criteria to select direct candidates for the remaining 40 per cent of the seats, but they neglected to do so. With the new constitution of 2015, the proportions were reversed. Now, only 40 per cent of MPs are elected through proportional lists, which has again reduced the share of traditionally excluded groups in parliament. With regard to direct election candidates, the socially inclusive orientation was removed altogether.

In order to increase women's participation, the PPA stipulates that at least one third of the party's members must be women. This regulation was already in place before the 2017 elections, but the reality is that no party has even come close to meeting this requirement, especially at the top party levels. The current Deuba cabinet includes six women, an unusually large number, perhaps a start, but still not the required minimum of 33 per cent.

Nothing has improved from an ethnic point of view either. All political parties are dominated and controlled by male Tagadhari, especially Bahun. The Aphno-Manche system of rope-lines, typical of Nepal, whereby all offices and posts are given preferentially to relatives, acquaintances and loyal dependents of the top party leaders, ensures that the administration and state institutions remain a mirror image of the non-inclusive party leaderships.

Another aspect that hinders intra-party development of members is the clinging to their posts by the once-established top politicians, no matter how many times they fail and how bad policies they pursue. This also fits with the form of political resilience described above. A direct consequence of this system is that only "old men" from a rarely changed circle vie for the leadership posts and see themselves unchanged as the future of their parties. At the same time, younger party politicians are denied the chance to prove themselves and qualify for higher party tasks.

Peace process

The attitude of the political parties towards the conclusion of the peace process also falls into the area of political resilience. The civil war legacy continues to be a massive challenge to peaceful coexistence in Nepal. In 2015, two commissions were created to clarify the incidents [TRC (Truth and Reconciliation Commission) and CIEDP (Commission of Investigation on Enforced Disappeared Persons)]. They and the TRC law on which they are based have since been heavily criticised by the victims and their relatives as well as by national and international legal and human rights organisations for giving priority to reconciliation in society as a whole over justice for the victims. Both commissions complain about a lack of legal regulations, insufficient funds and a lack of personnel. All security forces, especially the army, oppose the investigation of past crimes and put pressure on the two commissions and the courts. Political responsibility during the conflict was borne by both the leading Maoists and the top politicians of the major parties who were at the head of the executive at the time. This entire group of people is therefore neither suitable nor willing to bring about justice for the victims.

Nepal in the conflict field of world politics

Nepal's political crisis is also reflected in its foreign policy. Nepal has long been the focus of the world's major political powers, the USA and China, both of which see Nepal as part of their security and economic policy. Thus, the USA is formally urging Nepal to accept its offer of a donation of 500 million US dollars for the development of infrastructure, especially overland power lines. This is to be done through the Millennium Challenge Corporation (MCC). Only recently, the US Deputy Secretary of State was in Nepal for this purpose. Circles in Nepal, especially the communist parties, see this as a hidden link to Nepal's request to participate in the Indo-Pacific security concept of the USA. The latter is also something the US has been pushing for for some time.

Of course, this should also be seen as a reaction to China's Nepal policy. China has long wanted Nepal to participate in its Belt and Road Initiative (BRI), the modern Silk Road project. Many of China's development initiatives in Nepal must be seen in this context. Here, there are well-founded fears that Nepal will ultimately only be on the receiving end of BRI as well, with little support for its own exports. For weeks, direct trade across the northern border has been more or less blocked. I have the feeling that this is also intended to put pressure on Nepal against the background of the American Nepal policy. It is certainly economically damaging for Nepal.

The third major power with an interest in Nepal is India. The political relationship between the two countries has always been double-edged. On the one hand, India continues to provide generous development aid to Nepal, but on the other hand, it makes Nepal feel that it belongs to the northern border area of India's security sphere. This was already the case after the end of Rana rule and it became particularly clear when

India established numerous military posts along Nepal's northern border in the 1960s. India had to vacate these again at the beginning of the 1970s, except for the area of Kalapani and Limpiyadhura in the far northwest of Nepal, to which Nepal has laid claim again since KP Oli pressed the nationalism button two years ago to distract attention from his numerous political weaknesses.

Conventions of the major parties and elections in 2022: opportunities and prospects

Finally, perhaps a few sentences on the political perspective. At the moment, all the major parties are holding their party conventions. The one of the CPN (UML) has already been concluded, and that of the Rastriya Prajatantra Party (RPP) in the meantime, too, but I would not call this party, which advocates a return to monarchy, Hinduism and the central state, a major party, given its mere two percent in the last parliamentary elections. Although Rajendra Lingden, a politician of the younger generation, was able to assert himself against the long-time leader Kamal Thapa, his stance is similar. Among other things, Thapa blamed ex-king Gyanendra for his defeat and distanced himself from the monarchy for the first time. Cracks in the party may again be brewing over the old leadership's claims to power. In terms of splits and reunions, the RPP has some experience.

In all parties, there is little evidence that the criticisms made earlier have even somehow reached those responsible. The party congresses have to be assessed at all levels of the political system in the run-up to the elections coming up next year. It is clearly visible that none of the old failed politicians is willing to give up the field. As a consequence, voters will once again hardly be able to opt for alternative, innovatively oriented and socially inclusive candidates. Thus, the CPN (UML) party congress this week once again highlighted the authoritarian attitude of Oli, who imposed his will on the party's entire leadership of over 300 people. Among the 19 leading politicians in his party, there are 10 male Bahuns and only two women. All dissenters were booted out. I actually imagine something different under a democratic party. Here, too, further splits could be the result.

The party convention of the NC is scheduled for the coming weekend. Different from the CPN (UML), several candidates are running for the office of party leader. However, they too all come from the ranks of the party's ageing top politicians. The best chances are given to the incumbent chairman Deuba, 75, and his eternal rival Ram Chandra Paudel, who is even a year older.

In next year's elections, Nepal is threatened not only with a lack of alternatives in terms of the well-known and, in some cases, repeatedly failed top politicians, but also, in view of the party splits, once again with a multitude of competing parties. The country just seemed to have said goodbye to the latter constellation in the 2017 elections.