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Nepal's democracy: Political chaos and its effects¹

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Chaos is not entirely new in Nepali politics. This is already ensured by Nepal's so-called top politicians, who all consider themselves indispensable and understand democracy as little more than their endless power struggles. The constitution and laws do not necessarily have to be adhered to. Voters are only needed once every five years to secure the politicians' and parties' hold on power. If there is a danger that this no longer seems to be working properly, voters are taught how to vote by means of electoral alliances so that the power of the top politicians, who have actually long since failed, is preserved.



(Source: Kantipur, 6 March 2023)

Electoral alliances

As is well known, the then Prime Minister KP Oli could only be stopped by an impeachment by the Supreme Court in July 2021 after several breaches of the constitution and disregard of court orders. A government was then formed under Prime Minister Sher Bahadur Deuba (Nepali Congress, NC) with the participation of five parties.

¹ Parts of this article were presented by the author at the annual Nepal Day of the German Nepal Association (DNG) in Cologne on 6 May 2023. This lecture was given in cooperation with Pushpa Raj Joshi, who specifically commented on the effects of the chaos on politics, society and the economy. Minor formal corrections were made on 12 June 2023.

For the scheduled national and provincial parliamentary elections in November 2022, these five parties formed an electoral alliance. The CPN (UML) and CPN (MC)² had already formed such an alliance in 2017, which contributed to the two parties' narrow two-thirds majority in the House of Representatives. In such an alliance, the parties involved allocate the candidacies in the constituencies among themselves, i.e. only one candidate from the group of parties involved in the electoral alliance stands in each constituency. All other parties call on their supporters and potential voters to give their vote to this candidate.

The consequence is that voters can no longer freely choose candidates from their preferred party, but may then have to vote for persons from a party with whom they cannot identify. Instead of a free choice, selection by party leaders takes place. I see this as undemocratic paternalism of the voters. The only reason for the top politicians is to continue to secure their power.

The effect of this approach is that under the direct election system, which determines 60 per cent of the MPs, the results of the parties in the electoral alliance say little about the strength of the parties involved. If one wants to find out how strong the support for a party is, one has to rely on the results of the PR system (Proportional Representation System), in which each party continues to compete on its own. With the introduction of the new constitution of 2015, the ruling elite had reduced the proportion of MPs to be elected through this system from 60 to 40 percent. This alone must be seen as an affront to the traditionally excluded groups in society, since only the PR system is supposed to ensure a reasonably adequate participation of these groups. In the direct election system, the parties nominate mostly men from the so-called high Hindu castes, today usually referred to as Khas Arya, as candidates. The interim constitution of 2007, which was valid until 2015, explicitly stated that the parties should also apply the inclusion rules valid for the PR system when nominating candidates for the direct election system.³ None of the parties adhered to this at the time. The current constitution's regulation of the electoral system must be seen as a clear step backwards compared to the transitional constitution.



Distribution of the 110 MP mandates based on the share of social groups in the PR system of the 2017 and 2022 elections

The November 2022 election result

The following overview of the election result for today's House of Representatives is sorted according to the proportion of PR votes for the reasons just mentioned. Significant is the once again extreme discrimination against women when nominating candidates for the direct election system (First Past The Post, FPTP), from which none of the contesting parties can absolve themselves. For most parties, the proportion of female candidates was well below 10 per cent.

By May 2023, for various reasons, slight shifts have again occurred with regard to the number of MPs of the parties in the House of Representatives, which are shown in the right-hand column.⁴

² Communist Party of Nepal (Unified Marxist-Leninist) and Communist Party of Nepal (Maoist Centre) respectively.

³ Article 63 of the Interim Constitution

⁴ Among others, two Rastriya Swatantra Party (RSP) MPs lost their mandate, Rabi Lamichhane for lack of Nepali citizenship, Dhaka Kumar Shrestha for a corruption offence. The latter case is currently still pending in court. Shrestha was succeeded by Bindabasini Kansakar on 8 May 2023 on the part of the RSP. Of the five elected independents, Prabhu Sah formed a new party, the Aam Janata Party, in late December 2022. Two other independents joined existing parties. Two MP seats fell vacant due to the election of the state president and vice president. New elections were held in three constituencies in April 2023 for the reasons mentioned above.

We see that the CPN (UML) remains the strongest party, just ahead of the NC. This was similar in 2017, but now both parties have lost about 6-7 per cent each compared to 2017, and the three big parties as a whole, i.e. the main responsible for the chaos, have lost almost 16 per cent.

The CPN (MC) was narrowly able to maintain its position as the third strongest force, but the decline of this party since the 2008 elections is evident. At that time, it had won half of all direct mandates and around 30 per cent of the PR seats.

Party	Candidates Female	Male	PR votes	Per cent	Difference to 2017	Seats	Seats May 2023	
CPN (Unified Marxist-Leninist)	141	11	130	2845641	26.94	-6.31	78	79
Nepali Congress	91	5	86	2715225	25.71	-6.97	89	88
CPN (Maoist Centre)	46	8	38	1175684	11.13	-2.53	32	32
Rastriya Swatantra Party	131	12	119	1130344	10.70	10.70	20	21
Rastriya Prajatantra Party	140	8	132	588849	5.58	3.52	14	14
Janata Samajbadi Party	79	7	72	421314	3.99	-0.96	12	12
Janamat Party	54	2	52	394655	3.74	3.74	6	6
CPN (Unified Socialist)	21	1	20	298391	2.83	2.83	10	10
Nagarik Unmukti Party	30	3	27	271722	2.57	2.57	3	4
Loktantrik Samajbadi Party	51	3	48	167367	1.58	-3.37	4	4
Nepal Majdur Kisan Party	109	12	97	75168	0.71	0.12	1	1
Rastriya Janamorcha	2	1	1	46504	0.44	-0.21	1	1
Aam Janata Party								1
Independents	867	77	790				5	2
Other parties	650	75	575	430208	4.07	-3.14	0	0
Total	2412	225	2187	10561072	100.00		275	275

Elections for the House of Representatives 2022; The number of MPs has been updated on 9 May 2023

The good results of three parties running for the first time are striking. Particularly noteworthy is the success of the Rastriya Swatantra Party (RSP), which was founded only five months before the elections and which claimed to want to distance itself from the quagmire of the big parties as an independent party, as its name suggests.

For many years, CK Raut's Janamat Party had attracted the attention of the state because Raut advocated the creation of an independent Tarai state, though not necessarily through militant means. In accordance with an agreement with the then Prime Minister Oli, Raut gave up this direct demand, but now called his party Janamat Party ("Referendum Party"), because from then on he wanted to realise his cause by means of a referendum.

The third new party is the Nagarik Unmukti Party ("Civic Freedom Party"). The party was not officially registered until January 2022. Its initiator was Resham Chaudhary, who is currently serving a life sentence for his involvement in the Tikapur riots of 2015. An appeal has been delayed for a long time. During the Deuba government, the party had unsuccessfully tried to secure Chaudhary's release.

In addition to these three new parties, the Rastriya Prajatantra Party (RPP)⁵ also sees itself as an election winner against the background that it improved from 2 per cent to 5.5 per cent. It sees this result as sufficient reason to push through its demands: Re-establishment of monarchy and Hindu state, abolition of federalism and secularism. The RPP thus opposes the constitution in a similar way to the Janamat Party, but unlike the latter, it has never been prosecuted by the state for this.

The two successful Tarai parties of 2017, Janata Samajbadi Parti (JSP) and Loktantrik Samajbadi Party (LSP), on the other hand, are to be counted among the losers of these elections. In the past 5 years, both parties, much like the major parties, have prioritised the political power interests of their leaders and increasingly neglected the concerns of the Tarai people.⁶

5 This party was founded in 1990 as a rallying point for the panchas, the politicians of the non-party royal panchayat system. Like no other party, it has repeatedly split and reunited over the years. To this day, it maintains close contact with the deposed King Gyanendra and from time to time draws attention to itself with street actions by its supporters.

6 In the 2017 parliament, these two parties temporarily joined forces, but then split again. The JSP was a member of the ruling parties' electoral alliance until shortly before the 2022 elections, when it left the alliance because it felt disadvantaged in the negotiation of candidates. The LSP then took its place in the alliance. The JSP leader, Upendra Yadav,

A definite loser is also the CPN (Unified Socialist) of Madhav Kumar Nepal. The party was formed at the beginning of the Deuba government by splitting from the CPN (UML), abusing laws and legislative procedures⁷, because it was badly needed to secure the Deuba government. Because of its failure to clear the 3 percent hurdle, the CPN (US) does not even have parliamentary party status today. It probably owes at least part of its 10 direct mandates to the Electoral Alliance. Obviously, this party has not yet been able to clarify how it differs ideologically from the former mother party CPN (UML), apart from the fact that it has distanced itself from the latter's authoritarian leader KP Oli.

First Dahal government after the elections

In November 2022, the ruling parties failed in their bid to continue their government unchanged through the electoral alliance. For a majority to be able to govern, it would have required the participation of other parties. Moreover, both Sher Bahadur Deuba and Pushpa Kamal Dahal laid claim to the post of prime minister. When both remained adamant, Dahal unceremoniously switched alliances, rejoined KP Oli and his CPN (UML) and was appointed prime minister on 25 December 2022 with the participation of other parties. In the necessary vote of confidence in parliament, he received only two votes against. This meant that the parliamentary opposition, so important for a democracy, was abolished. In this sense, all parties then justified their behaviour with the need for a "national consensus".

But what kind of government was this? Dahal's party had received just 11 percent of the vote. Many of the direct mandates had only been won thanks to the electoral alliance, i.e. many voters had only voted for the Maoist Centre because of its promise to continue the coalition government. The only word I can think of for Dahal's actions is "electoral fraud". All this was because he wanted to become prime minister for a third time. The trend of his party must have made it clear to him that there would be no other chance for him.

And then there was the composition of the new government coalition: two ostensibly communist parties sat at the government table with monarchists and Hindu state supporters, with potential separatists and with declared independents who wanted to break up the encrusted old party system and bring in a breath of fresh air. Now, however, these parties ensured the continuity of precisely this system and its old, repeatedly failed politicians, instead of making their participation in government dependent on unused younger politicians on the side of the old parties. In my eyes, a missed opportunity.

Dahal justified all this with the urgent need for political stability. His government turned out to be so stable that it was already finished after only two months, two months in which there were no structured policies, only fights for power and posts. One party after the other left the alliance, finally also the CPN (UML), after it had become clear to Dahal that he was only a puppet in the hands of Oli, who wanted to push back into power today or tomorrow.

And then there was also RSP leader Rabi Lamichhane, in the meantime one of three deputy prime ministers (another nonsense repeatedly practised after 2015), who lost his cabinet post, MP mandate and party chairmanship by court decision because he no longer had Nepali citizenship after switching to the American one. The latter had already been denounced in the media before the elections. Changing this grievance would have been a small matter for him at that time. Lamichhane received his Nepali citizenship back within minutes after the court decision. Millions of stateless people have been waiting in vain for such a step in Nepal for many years, often because their Nepali mothers are not considered full citizens and thus are not automatically allowed to pass on their citizenship to their children. In any case, Lamichhane's participation in the election without formal possession of Nepali citizenship was an offence that should have led to legal consequences.

failed in the 2022 direct election system. He was re-elected only in the new elections of 23 April 2023, after rejoining and being supported by the ruling alliance.

7 The Political Party Act allows the secession of a group of MPs without loss of MP mandates only if at least 40 per cent of the MPs of the parent party are involved in this group. As Madhav Kumar Nepal's group did not meet this requirement, the Deuba government ended the current session of parliament and lowered the rate to 30 per cent by presidential ordinance, allowing the group to secede. Since the amendment had to be confirmed by parliament afterwards, the Deuba government withdrew the ordinance after the group had seceded. The purpose had been served, after all.

Second Dahal government after the elections

Thus, the cabinet of the first Dahal government was not even complete when the "stable" government was already at an end. Now Dahal turned back to the old allies of his original electoral alliance. Deuba, who had already been subjected to fierce inner-party criticism because his NC was in danger of going completely empty-handed, now agreed with Dahal as prime minister. The latter thus seemed to have achieved his main goal.

For the necessary government majority, further allies had to be added. In the end, 10 parties expressed their confidence in Dahal in parliament. However, there was now an opposition again in the form of the CPN (UML). Both sides had also renounced the participation of the Hindu monarchist RPP.

By early May 2023, the second Dahal government was still not complete. On the one hand, this was related to intra-party power struggles between the Deuba and Shekhar Koirala camps in the NC⁸, but on the other hand, it was also due to the fact that Dahal wanted to wait for the hoped-for re-election of Lamichhane, the RSP leader, in the new elections on 23 April, in order to then include him and his party in his cabinet again.

The fresh elections in three constituencies were also necessary because two assembly seats had fallen vacant following the election of Ram Chandra Paudel (NC) as state president and Ramsahaya Prasad Yadav (JSP) as vice president. Paudel's election as state president was a necessary offer to the NC, which had come up empty in the post allocation earlier in the year. Yadav was elected so that the JSP could also be kept in line. Once again, it was the women who suffered, as they now no longer hold any leading state office.

New elections in three constituencies

The results of the necessary new elections in Bara, Tanahun and Chitwan were very mixed. With two exceptions, all the promising candidates were once again male Bahuns. From the ruling alliance, only Upendra Yadav, the JSP leader who failed in the November elections, was able to win by a relatively narrow margin thanks to the support of the ruling alliance. In Tanahun and Chitwan, RSP candidates won by large margins. This was widely seen as another slap in the face of the old parties. However, this is probably only half the truth. Lamichhane was re-elected in the same constituency he had clearly won in November. In Tanahun, Swarnim Wagle, a business specialist who had switched from the NC to the RSP shortly before, won.⁹

Whether these by-elections will have an impact on the governing alliance remains to be seen. Although the RSP had been courted by Dahal to join the government again, it decided against it on 5 May. This meant that Dahal had lost yet another party supporting him. Earlier, the Janamat Party had already taken this step. On paper, the government now has the support of only 152 MPs; 138 are needed for a governing majority.

But there is also a crisis in the NC, especially since the party failed to win in the new elections. For example, the NC, together with the CPN (UML), opposes Dahal's decision to compensate some 4,000 former Maoist fighters disqualified under the peace process with 200,000 rupees each, although the state coffers are completely empty, while justice for the victims of the Maoist insurgency continues to be denied. Similarly, Oli claims not to be interested in toppling the government, but has recently been trying to woo Lamichhane away by offering him the prime ministership in a potential coalition with the CPN (UML).¹⁰ A continuation of the chaotic power struggles and allocation of posts is guaranteed.

8 Like hardly any other Nepali party, the NC has been characterised by factionalism since its founding in the late 1940s, i.e. there are constantly several factions within the party, which only very rarely end in a party split. However, the constant power struggles between the factions very often prevent a common political line and weaken the party. In contrast, the communist parties have been much more willing to split at least since the 1960s, when political parties were banned and existed only underground.

9 Wagle's change of party was probably because the NC only wanted to accept his candidacy in Lamichhane's constituency, which would have been a kind of political suicide given Lamichhane's popularity there. In hindsight, the NC may once again have acted clumsily. (See: [Generational idiosyncrasy of Nepali Congress : To be relevant again, the party must flush out the toxic residues of Machiavellian politicking from its culture](#), by Sucheta Pyakuryal The Kathmandu Post, May 03, 2023)

10 [Oli offers prime ministership to Rabi Lamichhane](#), República, May 03, 2023)

Neglected issues

Meanwhile, the constant infighting and the new elections have distracted attention from the really pressing political issues, such as

- the demands for justice for the victims of the Maoist insurgency
- the fundamental overhaul of the citizenship law
- violence against women
- the protests of loan shark victims
- the economic downturn
- the crisis in the judiciary
- the serious environmental problems
- protests against the renaming of Province 1 as Koshi
- the containment of the resurgent Corona epidemic
- dealing diplomatically with global power politics, especially those of the USA and China.

Many more things could be mentioned, such as the fact that not a single law was passed in the just ended session of the new House of Representatives.¹¹

In terms of foreign policy, Nepal has been increasingly drawn into the global power struggle of the USA and China in recent years. The Americans have literally begged to be allowed to pour large sums of money over the country. Of course, Nepal desperately needs this money to improve its infrastructure. And the Americans are giving the money "without any ulterior motive, of course". On the other hand, the Chinese have also participated in a number of projects, but the trade improvements promised for years are contradicted not only by the mostly closed border crossings. And then there is India, with its Hindu fundamentalist government, which would love to see Nepal become a Hindu state again and is suspicious of Nepal's deals with China, especially the current acquisition of weapons from China.¹² Recently, the Russians have also come forward and offered to sell wheat and fertiliser.



(Source: Annapurna Express, 2 March 2023)

It takes great diplomatic skill to manoeuvre Nepal through these power-political ambitions of the major powers without harm or even with advantages. I do not see any signs of this. The politicians are mainly busy fighting for power and position. And foreign aid money is of course always welcome.

Opportunities of democracy

The three parties that have dominated Nepal's politics for years are in a state of decline. Their leading politicians are only concerned with power and posts. Ideals once claimed have long been forgotten. Talks with the people show that they no longer expect anything positive from these political leaders and their parties in their current state. The inclusion of a younger generation, of women and of the multi-ethnic society in responsibility is still refused by these ageing men. The share of votes of their parties is decreasing from election to election. The fact that they are

11 [First session of House ended without passing a bill : Previous legislature got embroiled in a dispute over twin dissolutions. This hung parliament bears no bright prospects either](#), by Binod Ghimire, The Kathmandu Post, April 30, 2023

12 In 1988, India had used Nepal's purchase of weapons from China as an opportunity to impose a one-year economic blockade.

still leading in the election results is probably due to their nationally bloated party apparatus and the extreme party-political penetration of state and society.

For some years now, new parties have offered themselves as alternatives, but they usually quickly disappeared into insignificance. For example, the former Maoist chief ideologue, Baburam Bhattarai, split from his party in 2015 to pursue a socialist path. After founding or participating in several parties, he is now back closely with the Maoist Centre, but insists on discarding the term "communist". Reportedly, Dahal is now also showing interest in this.

In the 2017 elections, the Bibeksheel Sajha Party made news as a new alternative force. Later, its leader, Rabindra Mishra, outed himself as a proponent of a return to the Hindu state and monarchy, the basic evils of Nepali democracy, over which the party broke up. Mishra is now a member of the Hindu monarchist RPP.

In the 2022 elections, three new parties were successful. The RSP received almost as many votes as the Maoist Centre, which now holds the prime ministership. Voters' dissatisfaction with the failed old parties may be one reason for this development. So people are pinning their hopes on the new parties. But these have also not really explained yet how they are to be ideologically classified. The RSP, for example, has repeatedly been accused in recent months of being against federalism and secularism. The party has yet to make a statement on this. The only clear statement was that it wanted to be different from the big parties. This too has been repeatedly challenged in the last four months when these new parties helped the old failed forces to continue in power instead of using their dependence on the votes of the new parties to initiate internal reforms. Only when the latter succeeds can one speak of a new and hopefully positive change in politics.

Lack of social inclusion

Before the 2008 elections, all political parties had pledged to create a socially inclusive state through the new constitution, in which all groups in society would be equally and adequately involved and represented. Since then, 15 years have passed and the trend is rather negative.

The table below shows the status of inclusion in relation to the present House of Representatives. Male Khas Arya make up 91 out of 165 directly elected MPs, i.e. those whose candidature can be nominated by party leaders without any restriction. We are talking here about 14 per cent of the population, from among whom 55 per cent of all directly elected MPs are recruited. The Khas Arya state elite is very fond of talking about the Janajati and Madheshi as minorities. Yet all groups in Nepal are minorities to a greater or lesser extent, including the Khas Arya. The number of Janajati, for example, is only smaller than that of the Khas Arya because the state elite has excluded the Tharu from the Janajati group, although the Tharu see themselves as Janajati and are among the oldest affiliates of the Nepal Janajati Mahasangh, the umbrella organisation of ethnic groups. Again, this had been handled correctly in the 2008 Constituent Assembly elections, but was changed in the new Constitution of 2015.

Although a large majority of the directly elected MPs already come from the male Khas Arya, this group receives additional MPs through the PR system in proportion to its share of the population. This ensures the continuation of the total dominance of the Khas Arya in the House of Representatives. With 130 people, almost half of the current MPs come from this group. Since in the direct election system, which is considered at 60 per cent, it is predominantly male candidates who are put forward, the parliament remains firmly in the hands of male Khas Arya. Had the 40 per cent share for the direct election system been retained when the present constitution was adopted, better social inclusion might have been achieved long ago. But this was deliberately prevented by the ruling elite.

While today the Madheshi participate more or less correctly, probably mainly thanks to the Tarai parties, Dalits and Muslims continue to be completely excluded. The same fate befalls women in general. Only nine of the 165 directly elected MPs are women. Their mandatory share of 33 percent is ensured by the parties with the greatest difficulty only through the PR system. Moreover, the latter system is often abused by the party leaders in the form of nepotism.

Population group	Share	FPTP male	FPTP female	FPTP total	FPTP per cent	PR male	PR female	PR total	PR per cent
Adivasi Janajati	35.3	39	3	42	25.5	6	31	37	33.6
according govt	28.7	33	2	35	21.2	5	26	31	28.2
Tharu share	6.6	6	1	7	4.2	1	5	6	5.5
Khas Arya	31.2	91	4	95	57.9	8	27	35	31.8
Madheshi	15.3	25	2	27	16.4	4	13	17	15.5
Dalit	13.8	1	0	1	0.6	7	8	15	5.5
Muslim	4.4	0	0	0	0.0	3	3	6	5.5
Male	49.0	156				28	82		
Female	51.0			9					
Total	100.0			165				110	

Population group	Share	Total male	Total female	Total	Per cent
Adivasi Janajati	35.3	45	34	79	28.7
according govt	28.7	38	28	66	24.0
Tharu share	6.6	7	6	13	4.7
Khas Arya	31.2	99	31	130	47.3
Madheshi	15.3	29	15	44	16.0
Dalit	13.8	8	8	16	5.8
Muslim	4.4	3	3	6	2.2

Share of social groups in the total population based on the 2011 census (highlighted in yellow). The blue background shows the seats won in the House of Representatives under the direct election system and the green background shows the seats allocated by the parties under the PR system. The lower table concerns the entire social composition of the House of Representatives.

In the recently published census report of 2021, all figures on ethnic and cultural areas are missing for the first time. The percentage allocation in the PR system explicitly refers to these data published in the census. Allegedly, unspecified interest groups and parties were against the publication of these figures, as the census report states.¹³ Their interests are thus quite obviously valued more highly than the concerns of the traditionally excluded social groups. Yet the state is supposed to take action against their discrimination. How is this supposed to work if it is not even disclosed how many people belong to a certain ethnicity, language or religion? The authoritarian royal panchayat system is known to have once manipulated such figures to suggest a culturally unitary state, but to sweep them completely under the table, as the present male Khas Arya oligarchy has done, has not been allowed even then.

Likewise, the young population is largely excluded. Candidates must be at least 25 years old, older than half the population. The age pyramid of parliament is extremely top-heavy. This is especially true for the top politicians of the parties, who consider themselves indispensable even after repeated failures, instead of gradually giving younger party members a share of the responsibility.

Age group	Share Census 2011	MPs HoR	Share of MPshoR
Under 20	44,2	0	0,0
20-24	9,6	0	0,0
25-39	21,9	28	10,2
40-49	9,7	65	23,6
50-59	6,6	94	34,2
60-69	4,9	70	25,5
70-79	3,5	14	5,1
Above 80	0,8	4	1,5

The lack of social inclusion in the cabinet should also be mentioned here, which has never been realised anyway. Among the 23 ministers so far, only five are women who have been placed far down the cabinet hierarchy, two only as ministers of state. More than half of the ministers are, as is usually the case, Khas Arya.

There is growing discontent in civil society over all these machinations and maladjustments. The country will only be able to find peace and stability when the political leaders stop their constant power struggles, finally turn to their real tasks and fulfil their promise of 2006, the implementation of adequate social inclusion in a federal and secular republic.

13 https://censusnepal.cbs.gov.np/results/files/result-folder/National%20Report_English.pdf