DEMOCRACY AND SOCIETY 22.03.2021 | Dinesh Bhattarai

Nepal's ongoing political limbo

The Communists' 2017 landslide victory was a chance at stability and development. But an escalating intra-party conflict has led Nepal into crisis

In recent weeks, Nepal's young democracy has been shaken by two landmark Supreme Court decisions. While the first proved the institutional resilience of Nepal's democracy with restoring the previously dissolved House of Representatives, the second has thrown the country's politics in disarray by reversing the unity of the ruling party.

Since the highly disputed dissolution of the House of Representatives on 20 December 2020 by the country's President on the recommendation of Prime Minister KP Sharma Oli, the Supreme Court has moved to the centre stage of Nepalese politics. After several weeks of hearing petitioners, lawyers, and friends of the court, the Bench unanimously decided that the move was unconstitutional, and reinstated the House.

Shortly after, a second verdict was delivered in a three-year-old case on the name of the ruling party. The court decided that the registration under the name 'Nepal Communist Party (NCP)' with the election commission was unlawful, since the name 'Nepal Communist Party' already had been registered before its emergence. But the decision went even further: it reversed the merger of the Communist Party of Nepal, Unified Marxist and Leninist (NCP-UML) and Communist Party of Nepal, Maoist Center (NCP-MC). This could not only create a hung parliament, but also fuelled the long-simmering intra-party conflict. And the political turmoil of the last month is far from over.

Nepal's democratic roots are still delicate

Nepal's democratic transition remains an unfinished project. After more than a century of autocratic rule of the Rana regime, the country began its democratic journey following the popular revolution of 1950-51, led by the Nepali Congress (NC). However, the process of democratisation has suffered setbacks ever since, either at the hands of the traditional

power centers like the monarchy, or radical communists.

Democracy is a process, not an event. Nepal went through multiple transitions during the last seventy plus years and saw as many as seven constitutions. It took almost ten years after the end of the Maoist insurgency in 2006 to ratify today's constitution in September 2015, which was drafted by a second Constituent Assembly. Even though it failed to address some discontents, it was widely believed that the constitution would bring Nepal's fragile democracy back on the right track and support growing democratic roots in a highly diverse country.

Beyond the surface, Prime Minister K P Sharma Oli and former Maoist leader and co-chair of NCP Pushpa Kamal Dahal, also known by his nom de guerre Prachanda, were at loggerheads from day one.

The Nepali people were hungry for stability and development. After several decades of political turmoil many were hopeful that the first elections under the new constitution in 2017 would bring change for the better. 'Stability and prosperity' was the election slogan of the communist government that was formed after the election. On the eve of the general elections, the two biggest communist parties of the country, NCP-UML and NCP-MC, had formed an electoral alliance leading to a landslide victory. They won 173 out of 275 seats and were formally unified in May 2018 under the name of Nepal Communist Party (NCP) – a development that was widely welcomed with cautious optimism, by the country's neighbours and beyond. Now, the third largest communist party of Asia is shattered under the weight of its inner contradictions.

The writing was on the wall

Beyond the surface, Prime Minister K P Sharma Oli and former Maoist leader and co-chair of NCP Pushpa Kamal Dahal, also known by his *nom de guerre* Prachanda, were at loggerheads from day one. Both had little respect for the public mandate and kept their factions' interests supreme in their mutual dealings. Even though Prime Minister Oli has a long history of working in parliamentary democracy, he showed little respect and bypassed parliamentary rules and practices on several occasions.

Meanwhile, the intra-party conflict kept boiling up to a point where it captured all the political energies of the NCP. In mid-2020, while the country was aching under a months-long lockdown and at the peak of the Covid-19 crisis, the 'communist' comrades in Kathmandu were fighting

like cats and dogs – when the priority clearly should have been protecting the well-being of its citizens.

On several occasions, Prime Minister Oli was heavily cornered by his opponents within his own party, who demanded the implementation of one-person-one-post and called for his resignation – either as party chair or prime minister. Their intra-party conflict even impacted the relations with Nepal's neighbor India and others like the US. The growing influence of China, however, could be seen more clearly as ever before, with the Chinese ambassador going from door to door to calm the storm down and ensure unity of the NCP. Later, even a delegation from the International Department of the Chinese Communist Party was sent to Nepal for a last-minute patch-up mission between the two warring factions.

Regardless of the consequences

Having failed to manage differences within the party and amongst party leaders, Oli was once again confronted with mounting pressures. Recommending the dissolution of the House in December 2020 on rather shaky constitutional grounds and calling for elections in April/May 2021, he tried to liberate himself from the political chokehold. However, his instinct to cling to power came at the cost of potentially throwing the country into a deep constitutional and political crisis.

The NCP majority was a great opportunity for stability. But it turned out to be neither good for that nor for the institutionalisation of democratic processes in Nepal.

The main opposition party NC, the rivals within the NCP, civil society members and intellectuals termed the dissolution unconstitutional. There were widespread protests across the country calling for the reinstatement of the house – even though they remained split along political lines. The PM's faction also organised rallies to justify the dissolution and show strength in numbers on the streets. Thus, over the last couple of months, Kathmandu, and other cities in Nepal, saw a number of mass rallies, while Covid-19 was still spreading.

The last thirty years' experience with democracy would lead one to expect that Nepal's Communists internalised basic democratic principles. But in past years they have attacked the democratic fabric itself: institutions and traditions such as the rule of law, separation of powers, free press, an independent judiciary, inclusion, civil liberties, and respect for due

process.

Nepal's democratic future

Democracy remains suffocated, as PM Oli refuses to resign despite the adverse verdict on his decision to dissolve the House. The reinstated House has not been able to function so far and the future remains uncertain. It is not clear whether a coalition of NC, Maoists and the Janata Samajbadi Party – born out of a merger between Samajbadi party and Rastriya Samajbadi party with their strongholds in the southern plains along the Nepal-India border – be able to table a no-confidence vote. Or will Prime Minister Oli once again be able to stay in office?

Oli will first need to find a way to settle the inner-party conflict still boiling inside CPN-UML. Former prime ministers and influential party leaders within the UML, such as Madhav Kumar Nepal and Jhala Nath Khanal, have shown sharp disagreements with Oli's political style of functioning. Meanwhile, he seems occupied tightening his grip on the UML, sending messages to rivals either to support him or face the consequences. No political party appears ready to support PM Oli in his bid to remain in office for now. But the winds might change once again.

With this ongoing political limbo, the country might still be heading for early elections. However, under the mixed electoral system Nepal has adopted, it is rare for any party to get an absolute majority. The NCP majority was a great opportunity for stability. But it turned out to be neither good for that nor for the institutionalisation of democratic processes in Nepal. On the contrary, a seemingly determined but ruthless leadership has pushed the nation into uncertainty and instability. The future still needs to be written, but Nepal might be in danger to slide back into the political instability of the past.



Dinesh Bhattarai
Kathmandu

Dr Dinesh Bhattarai was Foreign Affairs Adviser to the Prime Ministers of

Nepal in 2014-2015 and 2017-2018. He was Nepal's Ambassador/Permanent Representative to Geneva, Switzerland.