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Elections, parties and alliances: Observations from abroad

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by Karl-Heinz Krämer

It's not easy to talk on a theme like "Elections, parties and alliances" here in Nepal, especially in such a highly emotional political phase, in between the two election days. Therefore, I have tried to prepare my talk very carefully and I hope you understand that I have to keep close to my script to avoid misunderstandings.

I've been a son-in-law of this country for about 45 years now and so I observe the developments in Nepal, the country that is so dear to my heart, maybe only half as a foreigner and half as a jvain or Tsak, as the Sherpas call me. I nevertheless promise to try to discuss my impressions as neutral as possible. My intention is simply to address some things that especially move me in respect to recent political developments. I will try to avoid the mentioning of names of political personalities as far as possible and to put the emphasis on structural aspects instead. Nevertheless, please take my following comments as my very personal impressions and deliberations.

After a few introductory remarks, I will shortly refer to the new constitution and how it was achieved, before I turn to the elections, especially the local elections. Finally, I will talk about the recent party-political developments and, most of all, the formation of electoral alliances.

2017 is a year of elections for Nepal. To leave no room for doubt: All these elections are much-needed to provide legitimation to legislative and executive under the new constitution. Local elections, particularly, had been overdue for long. 20 years after the last local elections in 1997, the people at last could elect their political representatives on the local level. The elections due in 2002, as we all know, had become a victim of the conflict situation at the time. Even after 2006, the political parties had for a longer time not really shown interest in holding local elections.

After years of a certain kind of inactiveness, the politicians today see themselves on the home straight to fulfil the provision of the constitution that the new federal system has to be implemented before 21st January 2018. They make believe that elections alone on all three levels already fulfil this request. They fail to recognise that the creation of legal rights under the new political setup should have been the first step, that they should have created the necessary infrastructure on the provincial and local levels before elections could take place there. The concurrent power sharing between the different levels of the new federal system should also have been cleared before any elections. Besides, it would have been necessary to schedule the fiscal resources for all three levels. The annual budget should then have correspondingly provided the means for provinces and local levels. These are only a few shortcomings that I see in the forefront of the elections.

All this should have been resolved and settled before the parties started to nominate candidates for the elections. But the nomination of candidates should not have been made by the respective central

level of the parties, as it seems to have happened once again. Instead, the local party levels should have decided on their respective candidates from among themselves. This would have been democratic procedure. Now, the traditional clientele system has been retained with factions around rival leaders at the top of each party with diverse coteries, patronisations and corrupt practices. On the other side has the exclusion of traditionally disadvantaged groups been continued. This exclusion has even been tightened by the rigorous reduction of MPs that are to be elected through the PR system in a socially inclusive way. I see this negative constitutional change as a voluntary procedure by the male high caste party elites.

Question of legitimacy of the new constitution

At this point, some other remarks on the new constitution are necessary, that have influenced the political events of the past two years. The new constitution of 2015 was to be based on Jana Andolan II as well as a number of corresponding agreements between diverse political parties and social groups. This had been set out in writing by the Interim Constitution of 15th January 2007. It ruled, for example, how the Constituent Assembly (CA) had to be elected. Concretely, it prescribed an appropriate social composition of the CA to guarantee that all social groups of the country could advocate their respective concerns in the CA and accordingly participate in the drafting of the new constitution. Article 63 of the Interim Constitution demanded that the system of social inclusiveness should not only be respected regarding the 335 MPs that had to be elected through the PR system, but that the parties should also apply it while nominating candidates under the FPTP system. We all know that the latter not even happened rudimentarily in both CA elections.

On the other side could the constitutional prescriptions regarding social inclusion only mean that, contrarily to the functioning of a normal parliament under a multi-party system, the voting in the CA should, at least in greater parts, not follow party lines, but along social interests that were to be represented by the respectively elected MPs. The introduction of a socially inclusive system had been missed in 1990 and this should have been different under the new constitution.

In my view, this worked quite well during the first one and a half years of CA I when inclusively composed committees worked on different aspects of the new constitution. Latest in January 2010, after these committees had presented their respective suggestions for the new constitution, the leading politicians grabbed the task of constitution writing. The suggestions of the different committees have never been discussed in the CA. I had the impression that the party elites had become aware of the fact that the implementation of the suggestions that had been presented by the committees, at least those suggestions that were related to aspects like social inclusion, equal rights and federalism, inevitably would have led to a loss of their traditional powers and privileges.

I see this procedure by the party leaders already as a grave violation of the Interim Constitution. It has once again been topped when this socially extremely non-inclusive circle of so-called leaders drafted the new constitution in 2015 and forced the MPs of their respective parties to vote for this draft along party-political lines and disallowed any objections against it. This led, in my view, the basic idea of social inclusion as it had been prescribed by the Interim Constitution ad absurdum.

I see the demonstrations and blockades that followed, in the first place as reasonable reactions by those disappointed. They degenerated with the degree of violence from protestors as well as security forces. And they were raised to a special political level when India supported them from outside.

On balance, it had become clear that there were greater sections of society that had expressed their dissatisfaction with the new constitution. This was especially true for the Tarai region but also for the women, after all more than half of the population, who saw their rights and position not much improved. The minimal constitutional amendment of January 2016 was not more than an eyewash. It did not help to correct numerous negative, vague and partly continuously discriminating passages of

the constitution. This caused, in my view, the disappointed groups to demand for another, this time fundamental, revise of the new constitution.

Constitutional revision or elections?

The handling of the demand for constitutional amendments became an important tool in the power struggles of the three big parties after the replacement of the Oli government latest. As long as the CPN-MC had been the minor coalition partner of the CPN-UML, it had shown not much interest in the demands of Madhesi and Janajati parties. This changed abruptly when its chairman got the chance to become prime minister for a period of nine months as the minor party in a coalition government with the NC. This alliance could only come about if it, at least, got support from the Tarai parties. So, NC and CPN-MC secured their votes by promising to discuss and put to vote the demanded constitutional changes in parliament.

Such constitutional amendments require a two thirds majority and everybody who could calculate a bit knew that such amendment would only have been possible when it was supported by the now oppositional CPN-UML. Annoyed about the breach of trust by the CPN-MC, the CPN-UML took up a hard position rejecting any support to constitutional changes. The party even claimed that such amendments were not necessary at all. The new constitution would be optimal and only had to be implemented.

The situation became exciting again in early 2017 when the governing parties managed to participate a number of smaller parties by offering positions. The needed two thirds majority was on a knife-edge. In this situation, the CPN-UML pressed ahead with the suggestion to hold local elections immediately. If necessary, one could consider constitutional amendments later. One has to call to mind that the CPN-UML had never talked about local elections as long as it was at the helm. Such elections, by the way, already could have taken place parallel to the CA elections in 2008 and 2013 without greater problems. In my view, the leading politicians had simply not been interested at that time.

The immediate holding of local elections was an argument that could not be opposed by the other parties, especially in view of the fact that the constitution demanded the comprehensive implementation of the federal state including all needed laws, institutions and, of course, elections on all three levels of the new system. Preparatory works for the restructuring of the local level had already been in progress for some time. It was decided to force this restructuring process centrally and to hold elections on the basis of the new structure, what was to be seen as rational.

But since the new structure was fine-tuned for the next several months, the parallel preparations of the local elections became a complicated task for the Election Commission (EC). Time and again, the EC had to make adjustments whenever the top politicians came up with a new idea. What was even more serious: There remained not enough time to educate the voters on the complicated election process. It later was reflected in the election results with 10-20 per cent invalid votes. This is a figure that hardly deserves the term "fair elections".

Serious as well was the reaction of the Tarai parties. They once again felt forsaken and cheated. In their view, the ruling parties made common cause with the CPN-UML and forgot their earlier promises. The big three parties now claimed to decide on possible constitutional changes, as demanded by the Tarai parties, only after holding local elections.

Local elections and their lessons

The local elections gave the parties a first opportunity to explore their chances in the elections on the provincial and central level that had to be held later. Without any doubt, these latter elections were of greater personal importance for the party leaders. So, what lessons can be learnt from the process

and results of the local elections?

To start with some positive impressions: The people showed similar enthusiasm as I had seen during the first parliamentary elections after the democratisation in 1991. This was, for example, proved by a very high voter turnout and a relatively peaceful course of the elections, apart from some incidents in the Tarai.

On the other side, I've got numerous negative impressions that partly had to do with the actions of government, parties and administration. I will only mention a few aspects. I saw it as negative that changes in the local restructuring were introduced when the preparation of the elections was already underway, partly even contrary to decisions of the Supreme Court (SC). Such to a greater part political and volatile changes caused big problems to the EC. It also proved the extreme dependency of this commission from the government. The repeatedly changed decision to hold the local elections in finally three ballots must be mentioned in this context. Partly, the electoral rolls were incomplete even when the EC had to finalise them. Based on this, we must ask, for example, why more men than women were registered even though the population statistics provide a different view.

Negative was also that millions of labour migrants did not get the chance to vote despite a contrary ruling of the constitution. This excludes an enormous share of the younger generation. I think, it is also not correct that persons who are on duty during the elections are deprived of their voting right. The state has the duty to provide alternatives, for example by postal vote. It also violates the principle of equality, that is guaranteed by the constitution, if persons from special professional groups are disallowed to candidate in elections. It cannot be that persons have to give up secure occupational positions only to candidate in elections. In my view, it would be sufficient if they left their jobs temporarily vacant in case they are really elected. This, for example, was obviously not a problem when CJ Khil Raj Regmi was made prime minister by the party leaders in 2013.

The great share of women elected in the local elections must be seen very positive. The election law guaranteed a share of 40 per cent women in the ward committees. One may only ask if it is optimal to prescribe a share of 20 per cent Dalit women countrywide. Without any doubt, Dalit women are among the most disadvantaged sections of society, but there are areas with very low Dalit population. Maybe one could adapt this ruling better to the respective local situation and introduce a positive discrimination of women from other traditionally disadvantaged social groups if the number of Dalit population is very low.

The patriarchal thinking of the predominantly male circles of party leaders became obvious when they nominated the candidates for the offices of mayor or chair person respectively their representatives. The election law prescribes that the parties have to nominate candidates of different gender for both positions. The consequence was that the male leaders overwhelmingly nominated men for the chief position and women for the deputy posts.

The confusing ballot papers proved to be a major obstacle to fair elections. This problem was further aggravated by the fact that the EC did not have any time to explain the system to the voters. The ballot papers in urban areas with their numerous election candidates and often similar symbols were hardly to comprehend by the people. This was further aggravated by the ruling that only those parties that had been elected into the CA in 2013 got a uniform election symbol countrywide. This discriminated against new and small parties.

The parties have to be reproached that they published manifestos ahead of the elections that rarely dealt with the concerns of the local population. Mostly, one got the impression that the parties were talking about parliamentary elections. At the time of the local elections, neither the future tasks of the local units within the federal system were cleared nor the available resources, but the election candidates nevertheless partly made utopian promises.

I also could not avoid the impression that the big parties voluntarily disregarded the concerns of other

political groups, especially in the Tarai, and, thus, provoked their election boycott. Such boycott, by the way, is the greatest stupidity in a democratic system, since the respective parties deprive themselves of the chance to advocate their concerns in a democratic way and to possibly change the system from within.

The consequences of the initial election boycott by the Tarai parties can hardly be estimated. The first round of voting took place in mountain districts where these parties did not play any role. In the second ballot, only two of the more important Tarai parties participated and this only in a reduced way. It was only in the third round of voting, in Province 2, that the Tarai parties really campaigned. And they were very successful winning altogether 54 of the 136 mayor positions in the province. The NC became the strongest of the three big parties with 40 mayors only.

The CPN-UML became the countrywide most successful party in the local elections. Like no other party, it had identified with the Nepali nationalism of the Pahad tradition and adopted a hard course against the Tarai parties. This, on the other side, had the consequence that it suffered a crushing defeat winning only 18 mayor positions in Province 2.

Another reason for the success of the CPN-UML may have been that it was the party that had emphasised the necessity of immediate local elections. But the party has also profited from the strange ruling coalition of NC and CPN-MC. In terms of their basic attitudes, the latter parties have not many things in common. I cannot help feeling that this coalition was primarily based on the power ambitions of their leaders. First, the chairman of the CPN-MC became prime minister for the irrational period of nine months and then the chairman of the NC for about the same time even though both had already sufficiently failed as prime ministers before. There had been a lot of dissatisfaction over this coalition, especially within the NC. The government also disappointed the Tarai groups because it did not keep its promises. And it helped little that NC and CPN-MC partly concluded electoral alliances.

Political changes ahead of the provincial and national elections

The poor performance of the two big ruling parties in the local elections may have been the main effector for the breaking up of the coalition government in the immediate run-up to the elections on the provincial and national levels. This breach marked the beginning of a turbulent phase, in which Nepal's party-political landscape was thoroughly messed up. I see many things still in progress. We will have to wait if these are durable changes or if it is only a flash in the pan and the old situation will be restored in the aftermath of the elections.

I would therefore like to be very careful about my following comments. In part, I see the current alliances as so irrational that I do not give them a permanent chance. But we must also be aware that these alliances, however they may look in the end, are an important preliminary stage to a more reasonable party system in Nepal. The country needs political stability. This can only be reached if the current system with its vast number of parties is ended. Drastically less parties also mean less incentives to party splits over mere power ambitions of political leaders. Splinter groups would not have any perspective in a system with only a few parties, that should then differ more in content. The three per cent threshold is definitely a good contribution towards this development.

The announcement of an electoral alliance of the two by name communist parties came like a thunderbolt. At first glance, this alliance even appears to be rational. Both parties pretend a similar ideology. Many of their current leaders have once been united as young men during Jyapali Andolan that led to the formation of the former CPN-ML, one of the precursor parties of the CPN-UML. For a longer time, the Maoist party presented itself as more radical while the CPN-UML adopted more social-democratic features. Today, the CPN-MC, as well, has distanced from its earlier radical stance in many respects. But there is also little left of its earlier proclaimed commitment to the concerns of disadvantaged sections of society. At the same time has the party adapted itself to the other

mainstream parties in many respects, i.e. struggles over power, positions and privileges of its leaders have priority, ideological engagement is of less importance.

The CPN-UML has gone through a similar development in the 1990s. I remember my conversations with UML leaders of that time. Immediately after the adoption of the 1990 constitution, they complained that the reforms had been incomplete, that there had been too many compromises with conservative forces. This stance, as well, has changed today. One of the current UML leaders gave a fiery speech at a conference of the German Nepal Friendship Association in Bonn in May 1990. It led the audience member sitting next me to the remark: This is the way revolutions are made.

Since then, this politician and his whole party have changed their positions by and by towards an area that I would define as centre-left. It, by this, forced the NC, that originally had been founded as a social-democratic party, to a more centre-right position. Aspects that lead me to this view are found in traditional basic attitudes of Nepali politics. One example: The founding statute of the CPN-UML in January 1991 mentioned a clear statement for the abolition of monarchy. Contrary to this, the NC only wanted to transform it into a constitutional monarchy. This, itself, was also a deviation from what BP Koirala had claimed in the election campaign of 1959 when he announced that he would put the royal crown into the Nepalese museum. The NC view of 1990 was more and more adopted by the realpolitik of the CPN-UML in the 1990s. It required a revolutionary party like the then CPN-M to cause this conservative national attitude to totter. I have the impression, that even today, there are a number of politicians in both, NC and CPN-UML, who want to turn back the clock and to reverse the essential achievements of Maoist insurgency and Jana Andolan II: republic, secular state and federalism, for which so many people had to waste their lives.

Electoral alliances

Against this background, I would like to call the electoral alliance of CPN-UML and CPN-MC only as conditionally logical, at best is it more rational than the previous coalition government of NC and CPN-MC. I think that the decisive factor was less ideological similarity than power political calculation. None of the three big parties is currently in a situation to win an absolute majority in elections. The CPN-MC is even miles away from a good election result similar to that one of 2008 when it was backed by about 30 per cent of the voters. Today, it is the smallest of the three big parties. If it does not want to skip down even further, then is the election alliance with a party that has the best chances to win a relative majority in the current elections maybe the most optimal solution. This ensures the CPN-MC not only a special number of FPTP seats but it also opens up chances for power sharing after the elections. On the other side does also the CPN-UML know that it alone will not win an absolute number of seats. The agreement of both parties over the nomination of candidates in the constituencies raises the hopes of both parties to win at least a common absolute majority.

The nomination of candidates already elucidated the problems of such electoral alliances. The situation was further complicated by the reduced number of possible FPTP candidates for parliamentary elections. In 2008 and 2013, each party could nominate 240 FPTP candidates. Now, CPN-UML and CPN-MC had to share just 165 such positions. The problem was a bit alleviated by the fact that they also had to share 330 FPTP candidacies for the elections to the provincial assemblies, but I have the impression that most of the top politicians still prefer a candidacy for the Pratinidhi Sabha. On balance, CPN-UML and CPN-MC finally agreed on a common list of candidates. But there have been rumours among the second and third level leaders of the parties. Some dissatisfied members even wanted to candidate as independents. I see this as typical traditional intra party struggles that have to be overcome on the way to a more reasonable party system. The struggle over tickets by the male politicians has further reduced the chances of women to be nominated as candidates, but this, of course, has basically also to do with the patriarchal party structures.

The initial third partner of this left alliance, Baburam Bhattarai's Nayan Shakti Nepal (NSN), quickly fell by the wayside. Obviously, BRB has completely miscalculated. The party has been routed in the local

elections. I have the impression that more and more members turn their back on the party. The former Maoists chief ideologist's recent steering towards the NC is absolutely irrational. It has simply been born out of necessity after the CPN-UML and especially the CPN-MC refused to give Baburam the candidacy in his traditional constituency in Gorkha.

And this brings me to the second electoral alliance, that is dominated by the NC. Without any doubt, the NC has been caught unawares by the formation of an electoral alliance by its then partner in government, CPN-MC, with the oppositional CPN-UML. I interpret its immediate formation of an "alliance of democratic forces" as some kind of panic reaction. Generally, I have problems with the term "democratic" in this context. It suggests that the parties of the Left Alliance are not democratic. But what is the feature of a democratic party? Which Nepali party can claim to be 100 per cent democratic? All parties have, for example, big problems relating to democratic structures and processes. They have disregarded constitution, subordinate laws and court decisions time and again; some months ago, even the separation of powers has been challenged by top politicians. All parties lack an appropriate and unrestricted inclusion of all social groups at all party levels. All parties hardly participate their party base in the nomination of election candidates or other decisions. All parties have an unfathomable financial management. Most top politicians exhibit an incredible arrogance and over-estimation of their importance and abilities. Time and again, the leading parties pay court to criminal and corrupt elements, include them in their highest party ranks and support them as candidates in the elections. All parties present utopian manifestos ahead of elections, which they forget immediately after the elections have taken place. These are only a few aspects that ask for a question mark with respect to a democracy seal.

I find the composition of the Democratic Alliance particularly questionable. The NC did not have many options left in relation to an alliance. Therefore, it named the RPP and the Tarai parties as potential partners. I see the RPP parties as democratically extremely questionable. They are against the republic and want a return of monarchy. They want to replace the secular state once again by the Hindu state. And finally, they are against the federal state and want a return to the central state. In other words: These parties are actually completely unconstitutional; they are ideologically arrested at another time and want to undo the few basic improvements bitterly bought with the blood of so many Nepalis.

How little this request of the RPPs reaches the population has been made clear not only by the local elections. That these parties continue to be indispensable is due to the fact that all three major parties have repeatedly involved RPP groups in their governments and even made their leaders deputy prime ministers. I would therefore call the RPPs bad alliance partners of the NC. The candidate lists also show that the NC leaves these parties with only a very small share of the constituencies.

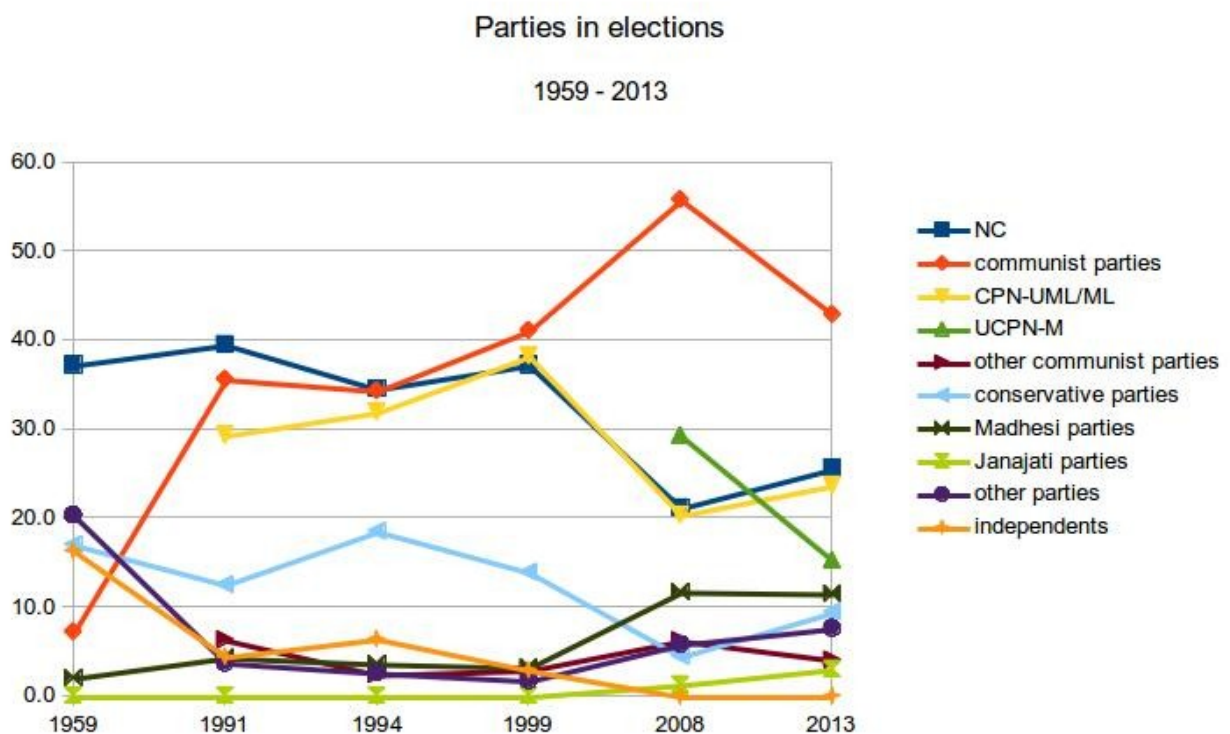
The second group of parties the NC has identified as potential alliance partners are the three major Tarai parties. Probably the smallest of these parties, the Nepal Loktantrik Forum of Bijaya Kumar Gachhadar, has meanwhile even joined the NC, that Gachhadar and his followers had left in 2007. The two other Tarai parties, Sanghiya Samajbadi Forum - Nepal (SSF-N) and Rastriya Janata Party Nepal (RJPN), were undecided. For the first ballot in late November 2017, this was less important. But at the latest the nomination of the candidates for Province 2 made clear that the NC and the two Tarai parties would not really come together. Although the NC had won only 40 mayoral posts there in the local elections and the two Tarai parties 51, and this without any alliance, the NC saw itself also in Province 2 as the leading partner of his alliance. So the third alliance, that of Sanghiya Samajbadi Forum and RJPN may be a logical consequence.

Prospects of these alliances

For the time being, the three alliances are pure electoral coalitions in the current provincial and parliamentary elections. The sole meaning is that the respective partners do not compete with each other in the constituencies over the FPTP positions. This plan largely seems to work. The fact that two

of the three major parties have joined forces in the Left Alliance is likely to increase their chances with respect to the FPTP system enormously. The NC may speak of a Democratic Alliance, but its partners are either insignificant or have been lost. This means that the chances of the NC are likely to drop significantly.

As a consequence, this means that the majority situation should shift. But the parties must also be aware of the fact that the alliance is only related to the FPTP seats. Under the PR system, all parties still participate as single parties. What effect will the electoral alliances have on the voter behaviour for the PR system? Will they be able to understand the difference, especially with reference to the poor election education they have got? According to my opinion, the final perspectives of the parties are in the dark despite the electoral alliances. Statements on this would be pure speculation at this time.



At best, a historical look at the election results since 1991 is interesting. In 1991, thanks to the pure FPTP election system, the NC managed to win an absolute majority of the seats with almost 40 per cent of the vote. Even then, the party understood how to identify with Nepalese democracy. The only rudimentary democracy of the 1950s had been ended in 1960 by the royal coup. In fact, in 1990, a democratic system had been introduced. It was a logical consequence that the party, that had already been elected by a relative majority of the voters in 1959, returned to power.

After that, however, there is a trend that showed constancy, apart from the CA elections of 2013: the NC was increasingly weakening while the left-wing parties got more and more support. Already in 1994, the NC could win only a few more votes and seats than the CPN-UML. In 1999, the latter party would have clearly got the most votes and seats if it had not split before the elections; so the NC could win an absolute majority of seats once again. But it squandered this new chance in the following years as we all know.

The climax in the rise of the left parties came with the first CA elections, in which the Maoist party participated for the first time and became the relatively strongest party with almost 30 per cent of the

votes. All left parties together won more than 55 per cent of the vote in 2008. NC and CPN-UML showed only slightly recovered in the second CA elections, but benefited from the great losses of the Maoist party and, above all, their successes in the FPTP system. Altogether, the left-wing parties lost votes, but with over 40 per cent of the vote they remained well ahead of the NC, that got only 25 per cent. I think, we must also consider this historic trend if we are to assess the possible consequences of the Left Alliance and its impact on the outcome of the election.

Final remarks

Please allow me some final remarks on the election system and some executive issues. First, I would like to mention once again, that I see the significantly reduced number of MPs in the Pratinidhi Sabha compared to the CA as absolutely reasonable. My critics concern only the reversal of the relation of FPTP and PR seats. It prevents the urgently needed appropriate inclusion of all social groups, which nevertheless cannot be prevented by the non-inclusively composed party elites in the longer run, I'm sure.

Democratic election systems exists in many forms. No matter which system is used, there are minorities that have to bow to the will of majorities. Personally, I find that direct ballot systems, such as the one that is used in the UK, only partially reflect the will of the electorate. Until 1999, Nepal practised a similar system in which a party with well below 40 per cent of the vote repeatedly won an absolute majority of seats. For the CA elections, a mixed voting system was introduced, that nevertheless could not really solve this mismatch.

I find a system more democratic, as we practice it in Germany, for example, where the per centage of seats in parliament corresponds to the proportion of votes received by the parties. Half of the seats are determined by a direct ballot system. A second vote fixes the percentage of seats the parties will have in parliament. But in addition to the directly elected candidates, only so many candidates from a party gain access to parliament from a party list of candidates as are needed to fulfil the percentage of seats of the party. Related to Nepal, I see the problem of such a system, at the utmost, in the socially inclusive design, but this is also not maintained with the current system.

Next, I find the minimum age of candidates, as it is prescribed by the constitution, as irritating. Who wants to compete as a candidate in the parliamentary elections must be at least 25 years old. According to the 2011 census, about 55 per cent of the population is younger than 25 years. The age group of 20-25 years alone accounts for 10 per cent of the population. The future of Nepal lies in the hope on her youth. It needs to be given a much larger participation and greater responsibilities. The old generation of political leaders has already proved their failure abundantly.

Finally, allow me some comments on the executive sector. Article 76 requires that the Council of Ministers may include a maximum of 25 persons, including the Prime Minister and the Ministers of State; incidentally, there is only one single Deputy Prime Minister mentioned. Three new governments have been formed, after the new constitution came into force. The parties always invoked the transitional provisions of Article 298 and designated a utopian numbers of ministers, ministers of state and deputy prime ministers.

The only meaning that I can see in such procedure, is to safeguard governments, to satisfy the numerous party factions and to participate as many MPs of the involved parties as possible to guarantee their access to public funds and privileges in the long run. From my point of view, only the government of late Sushil Koirala should have come under the transitional rule of the new constitution; all subsequent governments should have respected Article 76.

When does the state want to start to dramatically reduce the number of ministries? Such restructuring requires a lot of time. At the moment, there are considerably more ministries than the number of persons that is allowed to sit in the Council of Ministers. Only one comparative figure in this context

again: In developed and industrialised Germany there are only 16 ministers, including the Chancellor. What will happen, if a new Council of Ministers is to be formed after the elections to the Pratinidhi Sabha in, let's say, January 2018? The number of ministries must have been reduced until then if the politicians do not want to violate the constitution once again.

This is part of what I understand under the rule of law. Nepal's politicians time and again violate against the constitution and subordinate laws. They very often disregard decisions of the SC even though these should be binding law in a democratic state. Over their endless power struggles, the so-called leaders forget their basic tasks for which they have asked to be elected: to implement the constitution in every respect, to develop the country, to promote economy and infrastructure, to eliminate social inequalities, to provide justice to the victims of the insurgency and to reconstruct the country after the earthquakes, only to mention a few things.