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Vote of no confidence or new elections? The situation six weeks after the restoration of parliament

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Six weeks after the restoration of the House of Representatives by the Supreme Court's ruling that PM Oli's dissolution of parliament was unconstitutional, it is clear that none of the opposition parties and politicians are willing to put a stop to the Prime Minister's authoritarian and power-obsessed drive. What is the reason for this?

Oli government and Supreme Court decision

When PM Oli dissolved the House of Representatives on 20 December 2020, the new election for which is not scheduled until the end of 2022, this appeared to be his last desperate attempt to prevent his internal party disempowerment and to extend his term as prime minister. It did not matter to Oli that he was putting the constitution and democracy at risk and further endangering people's lives, which had already been affected by the pandemic. All that mattered to him was his personal power and the destruction of his political critics. In addition to constitutional complaints before the Supreme Court against this measure, all opposition groups and also representatives of civil society called for street demonstrations for weeks, in which thousands of people participated. Oli called on his supporters to hold similar mass events, which he used in the style of election rallies for the new House of Representatives elections he had scheduled for April and May. At these events, he ridiculed his political opponents, often in the most vulgar manner. At the same time, he tried to influence the Supreme Court with manipulative statements, while suing his critics for every expression of opinion, no matter how well-founded, a fundamental right under the constitution.

Despite the explosive nature of the situation and the daily rising costs of preparing for the elections, the Supreme Court took a good two months before certifying Oli's actions unconstitutional on 23 February 2021 and reinstating the House of Representatives. In view of the deliberate breach of the constitution, Oli has forfeited any moral claim to the office of prime minister. However, he sees it completely differently and continues to cling to his office and ridicule his political opponents. For six weeks now, the latter have not been able to bring themselves to put an end to the tragedy surrounding Oli by means of a joint vote of no confidence.

The reasons for this are manifold. They are partly due to the constitution and legal regulations, but at least as much to the power ambitions of the party leaders and the lack of democratic structures in the parties. Speculation about a possible improvement in the vote share of the various parties through possible early elections also plays a not insignificant role.

Options for removing Oli from power

The creators of the 2015 constitution, i.e. ultimately the leaders of the three major parties Nepali Congress, CPN-UML and CPN-MC, have severely restricted the possibilities of overthrowing a prime minister by a vote of no confidence. The reason was that this option had been abused far too often after 1990 to satisfy the power interests of individual politicians. Now, a vote of no confidence can be submitted at the earliest two

years after the election of a prime minister. This time has now elapsed, but there are further conditions. For example, the name of an alternative candidate for the post of prime minister must be mentioned in connection with the vote of no confidence. If a vote of no confidence fails, no new vote of no confidence can be tabled for another year.

Another option would be a break-up of the government. Since the SC invalidated the 2018 merger of CPN-UML and CPN-MC under the name NCP on 7 March 2021, the Oli government has been a coalition government, as it was when it came into being. The CPN-MC could withdraw support from Oli and the latter would have to seek a vote of confidence in the House of Representatives within 30 days under Article 100 (2) of the Constitution.

However, the CPN-MC has not officially withdrawn its support to date. At best, cautious approaches have become apparent in recent days. For example, the Oli Council of Ministers still includes five ministers who were elected or nominated to parliament via the CPN-MC but have now defected to the CPN-UML. The most prominent figure is Home Minister Ram Bahadur Thapa, who is not a member of the House of Representatives but was elected to the National Assembly from Bagmati Province in 2018. The remaining four ministers were stripped of their MP status by the House of Representatives on 8 April at the request of the CPN-MC. They have thus also lost their ministerial posts. Although Oli can immediately reappoint them as ministers, they must then become members of parliament again within six months, according to Article 78 (2).

But why is CPN-ML leader Pushpa Kamal Dahal dithering for so long about withdrawing from the Oli government? The party's popularity curve has been steadily declining since it soared in the first Constituent Assembly elections in 2008. I think many people had identified with the party's ideals then, even if some of them had rejected the party's militant ways. Today, there is hardly anything left of these ideals. This is illustrated not only by the steady loss of voters, but also by various splits from the original Maoist party. So if there really are to be new elections in the near future, the CPN-MC may face another setback. This is probably one of the reasons why Dahal is delaying his official withdrawal from the coalition government.

New elections in the near future, as KP Oli and some politicians of the Nepali Congress would like to see, are unlikely to be convenient for Dahal. He must reckon that his party will fall even further in favour with the voters. The high number of direct mandates in 2017 was only due to the electoral alliance with the CPN-UML. Voter popularity can at best be seen in the percentage of votes under the PR system (Proportional Representation System). Here, the CPN-MC's share fell from just under 30% (2008) and 15% (2013) to just over 13% in the 2017 elections.

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The situation is different with the Nepali Congress. Here, party leader Sher Bahadur Deuba was already flirting with new elections before the court ruling of 23 February. A look at the 2017 election results quickly makes it clear that the NC only lost so hugely under the direct election system (FPTP) thanks to the electoral coalition of the two left parties. In terms of PR votes, the party actually improved by more than 7% compared to the 2013 elections to the second Constituent Assembly, and was only very slightly behind the CPN-UML. Thanks to the break-up of the governing coalition, the NC can therefore hope for a significant improvement in its position in early elections, despite its extremely poor opposition work in the past three years.

This is also linked to KP Oli, who seems bent on destroying everything he can. After the split of the NCP into CPN-UML and CPN-MC was quickly completed with the active support of the Supreme Court - even though its judgement was substantively correct - Oli is setting out to eliminate his rivals and critics within the CPN-UML. At present, a formal split of the Nepal/Khanal faction seems to be only a matter of time. It is possible that another left party will then be up for election in the event of early elections. Where Oli gets his constantly expressed optimism about a landslide election victory for his party, only he knows himself. Obviously, in his authoritarian mania for power, he has lost all capacity for rational assessment.

New elections as a way out and necessary preconditions

Of course, the latter analysis contains a lot of speculation. Nepal's politicians are often very difficult to assess, as their behaviour is not based on a consolidated political culture. The fact that all of Nepal's political parties lack basic democratic structures is the reason why none of the parties is capable of regular renewal and further development. At the top of the parties are ageing men, predominantly Bahuns, who are endowed with an incredible amount of power. Each of these ageing men is in turn at the head of an intra-party faction. All the important functions at the subsequent party levels are not allocated according to competence through free and independent elections within the party, but rather from above according to a kind of favouritism system, which in Nepal is often referred to as the *aphno manche* system, whereby the unquestioned affiliation to one of the aforementioned factions is the decisive criterion. The result is that, firstly, the men at the top are allowed to fail as often as they like and, secondly, talented and possibly much more competent younger people are at best given a chance of promotion if one of the old men at the top dies off (sorry for this drastic expression).

So what option do the voters have if there are indeed new elections in the near future, as it increasingly looks like there will be? In the next elections, too, voters will only be allowed to choose which of the old politicians, some of whom have failed repeatedly (Deuba four times, Oli and Dahal twice each, Nepal and Khanal once each), they want at the head of the state. There will be no chance of fundamental renewal in these elections either. The undemocratic party structures alone ensure that. Those who have failed in the past, especially if this has been the case several times, have proved that they cannot do it and should make way for younger people. Thus, the current system is not a democracy but an oligarchy.

In 2008, when the new political system was to be established by means of a new constitution, the aim was that all social groups in the country should participate and be able to voice their concerns. In the end, however, the 2015 constitution was the work of a small circle of male politicians who had been dominant for years. The elected representatives of the people were only allowed to nod off what this small elite circle had agreed among themselves. And this circle continues to decide the country's politics among themselves.

Nepal is a multi-ethnic, multi-religious, multi-cultural and multi-lingual state where women, Dalits and members of numerous ethnic groups are made second or third class citizens and are discriminated against and excluded in most areas of public life. In 2008, aspects such as inclusion and equality of all people had been at the forefront of the renewal policy guidelines. But for women and Dalits, for example, hardly anything has changed. They are still, or perhaps even more than before, exposed to violence and oppression without the state taking care of them, not even legally. At best, pseudo-rules have been enacted for their political participation. For example, in the last local elections, one of the two posts of mayor and deputy mayor had to be held by a woman. The fact that the more important post of mayor was filled by over 95% men says it all. In most local units, even today, elected women complain that they are not involved in decision-making at all.

Secularism and federalism were other important cornerstones of the renewal. Neither has really been implemented yet. Especially recently, secularism has been questioned more often again. Demands for a return to the Hindu state, i.e. the backbone of all social inequality in Nepal, come not only from the die-hards, such as the RPP, but also from the ranks of the Nepali Congress, whose founding president BP Koirala had already declared ahead of the 1959 elections that he wanted to ensure that the idol of Pashupatinath was put in the Nepali museum.

The people of Nepal do not want revolutions that only catapult a few other men into positions of power but do not really change anything in their living situation. They want rational life security, development and improvement of infrastructure geared to their needs, and free and good quality education financed by the state for their children in adequate school buildings that are not still in ruins six years after the severe earthquake; the introduction of compulsory education is just as important in this context as better training and pay for teachers. The people want a nationwide affordable health system with universal health insurance to cover them if they fall seriously ill. After all, they cannot, like the country's leaders, be treated abroad at state expense when they fall ill. The people want the government to protect nature to a sufficient extent, to fight and prevent forest fires, so that the tremendous emissions of pollution, which are currently prevalent again and could become even more serious in the future thanks to climate change, do not damage their health

and shorten their life expectancy. The people, as far as they were affected during the time of the Maoist insurgency, want the state to finally provide justice for the victims and to punish the perpetrators of the past in an appropriate manner. People want their basic human rights to be respected and upheld, regardless of gender, ethnicity, religion and culture.

One could continue this list for a long time. These are just a few examples of what many people care about, expect and hope for from the state and their elected representatives. Those who are now at the head of the state and the political parties have largely failed in this regard. It makes no sense for these losers to stand for election again. This would mean: Business as usual, at best with slightly mixed top positions. In the long run, this would completely destroy the already weak democracy.

In view of the escalation of the last few months, which Prime Minister Oli has pushed quite purposefully, new elections may seem the only way out. But they will only bring an improvement if various preconditions are met, such as: Democratisation of party structures on the basis of legal guidelines to be adopted; no renewed candidacy of the failed generation of politicians in the elections; transformation of pseudo-inclusion into truly responsible participation of all groups in society, also with legal guidelines.

It is hard to believe that the elite now in power will not nip a fulfilment of these preconditions in the bud, but one can at least suggest it once.