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What's ailing Nepal's democracy?[1]

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During Jana Andolan II, the people's movement of 2006, it was not only the monarchy that was under pressure at the time, but also the political parties. In the run-up to the movement, the latter, including the insurgent CPN (Maoist), had already met in New Delhi with the connivance of the Indian government and agreed on a completely new political beginning. This agreement of November 2005 is the yardstick by which the political parties have to be measured to this day.

In January 2025, 7,000 days had passed since then. What has been realised in this long time? Are the politicians and parties sticking to what they agreed back then and promised the protesting masses on the streets during the popular movement? Have the interests of politicians and the concerns of the people changed in an ever-changing world?

For some time now, people have become increasingly dissatisfied with what politicians and political parties have been selling them as democracy. Anti-constitutional, anti-democratic forces are trying to use the crisis of democracy to turn back the wheels of time and turn Nepal again into an authoritarian state with a monarchy and an orientation towards Hindu political ideals. They conceal the fact that, on the basis of the last parliamentary elections, they represent at best a small minority of five per cent of the population, as well as the fact that the system they want to force back into place marginalises large sections of the population per se.

Initial situation in 2006

Let's start with the most important foundations of the changes sought at that time. Initially, the direct aim had been to end the royal coup d'état. The king relinquished his presumed absolutist power on 24 April 2006. On 28 May 2008, the Constituent Assembly elected by the people abolished the monarchy at its first session, including the representatives of those forces that now want to enforce a return to Hindu monarchy on the streets. Thus, this goal of the party agreement of November 2005 was achieved.

The second objective was to end the Maoist insurgency, which had escalated to an extreme in 2001 after Gyanendra had mobilised the army against the insurgents at the request of the then Prime Minister Deuba. At the time of the army's mobilisation, the Maoist insurgency had resulted in around 3,500 deaths over the course of almost six years. After the mobilisation of the army, this figure rose to 17-18,000. With the popular movement of 2006, the Maoists ended their

1 A similar version of this article has been published in Khabarhub, 19 March 2025

insurgency and joined the political mainstream in the following months, which also achieved the second goal of the Delhi Agreement.

However, the latter statement only applies to a limited extent, because the transition and the reappraisal of the insurgency phase was based on agreements, some of which have not really been fulfilled to this day. On the one hand, it must be recognised that the Maoist leaders, after their integration into the usual state political power struggles, have not only increasingly forgotten the ideals they once stood for, but also the people who followed them for these declared ideals and promises and risked their lives and health. On the other hand, the leaders of the other parties also have little interest in coming to terms with those crimes, which were not only committed by the insurgents, but also by the state security forces, for which the respective governments, but also Gyanendra as commander-in-chief of the army, bore political responsibility. As a result, the victims of the former crimes and their families are gradually giving up hope of justice after almost 20 years.

Promises of the political parties in 2006

The new beginning was based on the realisation that the discriminatory inequality and exclusion of large sections of the population had not been eliminated by the political system of 1990, which was very much characterised by compromises with the previous absolutist royal panchayat system. Although political elites were replaced at the time, the social groups from which they were recruited remained the same. While under the royal regime, male members of the Chhetri castes, which included the royal family, were predominant, after 1990 it was men from the Bahun castes who more or less controlled all political parties in the country. The Janajati, Madheshi, Muslims and women from all social groups, i.e. around 85 per cent of the population, remained largely excluded.

While this problem had only been a subliminal issue in the popular movement of 1990, in 2006 it was in the focus of the demonstrating masses on the streets and had an influence on the leaders of the political parties. They realised, or at least temporarily pretended to, that the continued discrimination against large sections of the population was primarily a consequence of the state's association with the Hindu religion and its discriminatory view of women, castes and ethnicities, and declared that the new political system should be based on a secular state. The monarchy was to be replaced by a republic. The state, which had been very centralised since the earliest Shah period, was to be replaced by a federal system so that all regions of the country could be better involved. Above all this, democracy was emphasised as a generic term, the rule of the people, not of a few or even of an individual. These statements by politicians and parties sounded good at first.

The dilemma of the Constituent Assemblies

Unfortunately, these initial statements were already partially revised in the run-up to the elections to the first Constituent Assembly in 2008, perhaps least of all by the CPN (Maoist), which had already nominated over 40 per cent women for its contingent in the 2007 interim

parliament. The relatively close adherence to the ideals already emphasised during the insurgency was probably decisive for the Maoist party's outstanding election victory in 2008, in which it won exactly half of all direct mandates and around 30 percent of the seats under the proportional system.

This meant more seats than those of the Nepali Congress and CPN (UML), the dominant parties of the 1990 system, together, but only a relative majority. However, a two-thirds majority was required to pass the planned new constitution. This was the beginning of the Constituent Assembly's dilemma. Two blocs formed: On one side were the CPN (Maoist) MPs, supported in part by representatives of traditionally disadvantaged social groups; on the other side were the Nepali Congress and CPN (UML) and representatives of the traditional elite. Both groups neutralised each other and were not prepared to compromise.

From the beginning of 2010, the leaders of the political parties directly took over the work of the Constituent Assembly after the various, largely socially inclusive committees had submitted their proposals for the new constitution. The proposal on the organisation of the federal state in particular set alarm bells ringing among the high-caste male politicians, as they saw their position and privileges at risk.

People who had placed great trust in the Maoist party in 2008 were obviously disappointed in the 2013 elections to the second Constituent Assembly, giving Nepali Congress and CPN (UML) a narrow two-thirds majority. This prompted the CPN (Maoist) to abandon its remaining ideals and align itself with the other two major parties. The draft constitution of 2015 was ultimately drawn up jointly by the leaders of these three parties and not by the elected representatives of the people, as provided for in the interim constitution. The latter were only allowed to nod off what their party leaders had previously agreed in an internal circle.

Abuse of the electoral system

If one compares the current constitution with the previous, truly innovative transitional constitution of 2007, the result is in part sobering. Much of what was envisaged as a goal in the transitional constitution in the wake of the popular movement of 2006 was not included in the new constitution, or only in a modified and unclear form. The reduction of the proportional electoral system from 60 to 40 per cent of MPs was almost symbolic. This PR system had been introduced specifically for the elections to the Constituent Assembly in order to achieve appropriate inclusion of all social groups. The transitional constitution had even stipulated that the parties should also take into account the social inclusion of the proportional electoral system when nominating direct candidates, but all parties blatantly disregarded this in violation of the transitional constitution. Well over half of the direct candidates continue to be male Bahun and Chhetri, now collectively referred to as Khas Arya, and the trend is rising. To make matters worse, under the proportional system, a further 30 per cent of PR MPs are allocated to this group. All in all, this means that the Khas Arya still have a clear absolute majority in parliament. There can be no question of adequate participation by all population groups. And this is the deliberate intention of the country's party-political elite. For some time now, the current coalition government has been seriously discussing abolishing the proportional electoral system

altogether, with the completely bogus claim that this electoral system is responsible for the ongoing political instability. Yet the latter is solely a consequence of the constant ruthless power struggles between the top politicians of the political parties and the extensive neglect of their actual tasks.

It is not only Janajati, Madheshi and Muslims who fall by the wayside, but also women in general in this extremely patriarchal state of high-caste male Hindus. Because only a few women were nominated as direct candidates, there were only eight women among the 165 directly elected MPs in 2022, for example. As the proportion of women must then be brought up to 33 per cent using the PR system, men have little chance of succeeding them under this system. This is then also a form of discrimination.

The myth of social majorities and minorities

The ruling elite, often also in the media, talks about social majorities and minorities. The Hindu society is often cited as the majority. However, this Hindu group, which the census puts at around 80 per cent of the population, is not a closed group at all. Large sections of the country's Hindu population are excluded because they belong to the Dalits, the Janajati, the Madheshi or simply because they are women. The truth is, Nepal does not have social majorities, apart from the fact that there are still slightly more women than men. The latter could also change soon because female foetuses are being aborted more and more frequently due to patriarchal Hindu thinking; the population statistics of recent years make this clear.

The Khas Arya, from which the state elite is recruited, are not even the largest of these minorities. So that the Janajati are not listed as more numerous in the statistics, the Tharu, for example, have been listed separately in the new constitution, although they see themselves as Janajati and are among the oldest member groups of the ethnic umbrella organisation of the Nepal Janajati Mahasangh.

Nepal encompasses many ethnicities, religions, cultures and languages, as has been recognised in the constitutions since 1990. It was the declared intention of the politicians in 2006 to recognise this in the new constitution and in all areas of the state. They failed miserably, and I think this was intentional.

Secularism

Let's take a brief look at some of the other goals declared in 2006. Firstly, there is the secular state, which the fathers of the 1990 constitution had still denied. Although Article 4 of today's constitution explicitly refers to a secular state, secular only means religious and cultural freedoms, and explicitly does not mean the separation of state and religion, which is what the word secularism actually means. So although Nepal no longer defines itself as a Hindu state, it has retained many of its symbols and ways of thinking. The aforementioned view of society may be cited as a glaring example.

Or take the view of history, which always explains Nepal from the perspective of the ruling elite. Prithvi Narayan Shah is celebrated as the great founder of the modern Nepali state, which he

was. Without the unification of the numerous principalities of the time, Nepal would almost certainly be a part of India today. But from the perspective of the population groups that were annexed by force and are still only involved to a lesser extent, the historical picture is one of military subjugation and oppression, which is not officially mentioned at all.

This distinction could be completely insignificant today if all population groups in Nepal had equal rights and equal opportunities, but unfortunately this is not the case. The negative consequences of the Shah state continue to have an impact: Nationalisation of ethnic lands and in some cases allocation to members of the Khas Arya groups; subsequent encroachment on originally ethnic areas; imposition of Hindu thought and action; inferior ranking in the Hindu social hierarchy of the Shah state; neglect or even suppression of ethnic languages and cultures; low participation in government and politics to this day.

Federalism

Federalism was another important aspect to which the party leaders committed themselves in 2006. In fact, Nepal today describes itself as a federal state. There are seven provinces at the intermediate level and 753 cities and municipalities at the local level. During the constitution-making process, there were various proposals as to what the federal state could look like. The number, boundaries and names of the provinces were always points of contention. In the end, the Nepali Congress and CPN (UML) prevailed with their plans. If possible, they did not want provinces in which population groups other than the Khas Arya had a relative majority, nor did they want province names with ethnic or historical references. For example, the name of the easternmost province of Koshi, which is populated by a majority of ethnic groups, continues to cause protests; this was the territory of the Kiranti states before the conquest by Prithvi Narayan Shah. Even a limitation to two provinces in the Tarai, as promised to the Madheshi population during the drafting of the current constitution, was not realised. Today, six of the seven provinces have a share in the Tarai, which is somewhat reminiscent of King Mahendra's way of thinking when he created the zones and later the Development Regions in the 1960s. Today, there is only one pure Tarai province.

The biggest problem with federalism, however, is that the national party leaders don't want it at all. They would prefer to keep everything under their centralised control. Almost ten years after the adoption of the constitution, numerous important regulations on the responsibilities and fiscal sources of the middle and lower levels of the supposedly federal state are still missing. Provinces and local levels are completely dependent on allocations from the national budget.

Even worse, politicians and parties at national level exert direct influence on the provinces. The total of 550 parliamentary posts in the provinces seem to be a welcome option for the top politicians to provide their own clientele with posts in a nepotistic manner. The offices in the provinces, and often also the nomination of candidates, are decided by the central party levels. If a coalition government changes at national level, which happens on average every six to eight months, then this must be followed immediately in all provinces. This makes rational politics in the provinces completely impossible. If there is factionalism within the parties at national level,

which is typical of Nepal's parties, then this is also transferred to the provinces. Nepal's federalism therefore exists on paper at best.

Republic and parliamentary system

In May 2008, the monarchy was replaced by a republic. The head of state is a representative president. There have been three of them so far. All of them have occasionally overstepped their authority, for example by proving too obedient to the government and the parties from which they originated, in disregard of their constitutional duties. But overall, this system has worked reasonably well.

However, there are occasional calls to introduce a presidential system, which would give the office of the president a great deal of power and limit parliamentary control. There are also endeavours to reintroduce the Hindu monarchy. This demand is mainly backed by arch-conservative parties, which were only voted for by one in 20 voters in the last parliamentary elections, but there are also supporters in other parties, even those that describe themselves as communist. Both are done under the pretext of alleged political stabilisation, of course only from the point of view of the ruling minority of the male Khas Arya elite.

Democracy

And this ultimately brings us to the generic term democracy. Is Nepal a democracy, i.e. is the government in the hands of the people? One cannot shake off the feeling that the politicians and parties understand democracy primarily as the citizens' right to vote for them. The politicians need the votes in order to be re-elected for a period of five years. After the elections, they are no longer interested in what they promised or guaranteed before the elections. Well, Nepal's politicians are not necessarily much different from politicians in Western democracies. What is special in Nepal is that people's right to vote is already being restricted when so-called electoral alliances are formed before the elections. Mind you, this is not about making statements about which parties would like to form a coalition with each other after the elections, but the parties in a Nepalese electoral alliance only put forward one common candidate in certain constituencies and ask their potential voters to vote for this candidate. After the elections, the electoral alliance then breaks up, as happened immediately in December 2022, for example, and also with a certain delay in 2020. A completely different governing coalition is then formed with the votes of voters who did not want this coalition in the first place. In my eyes, this is clear electoral fraud.

What also contradicts the idea of democracy are the numerous violations of the constitution and laws by politicians as well as brazen lies and allegations in order to push through their policies. Even clear and well-founded judgements by the Supreme Court are often simply disregarded and often criticised reproachfully. In a constitutional state, such judgements are automatically valid law and can at best be revised through the courts.

The latest strategy of the two current governing parties is that they want to change the constitution with regard to electoral law. Their party leaders explain that the ongoing political instability is caused by the electoral system. In this sense, for example, there is often talk of

abolishing the PR system introduced with the transitional constitution of 2007. As explained above, its purpose was to improve the inclusion of the numerous social groups in the multi-ethnic country. With the renewed abolition of this system, the oligarchy of high-caste men at the head of the state would finally have a completely free hand again in its manipulations aimed at social non-inclusion. In any case, they have known how to prevent a truly appropriate participation of all social groups from the outset and have simply disregarded the passages of the constitution and subordinate laws that demand such inclusion.

Another proposal of the two governing parties with regard to electoral law is to increase the threshold for the allocation of PR mandates from the current three per cent to ten per cent. The obvious aim of such a measure is to create a two-party state. In the last parliamentary elections, only four parties received more than ten per cent of the PR vote, with the CPN (MC) and RSP only just above this threshold. Moreover, the prospects of these two parties are not good. The CPN (MC) has plummeted from around 30 per cent in 2008 to just over 11 per cent today and has completely betrayed its former ideals. After its promising lightning start in 2022, the still young RSP has been plagued by numerous scandals surrounding its party founder, many of which have not yet been legally clarified. Both parties run the risk of dropping below 10 per cent in the event of new elections. However, it should not be forgotten that the two governing parties also suffered major losses in the last elections and together only received 52 per cent of the vote. Implementing the planned change to the percentage threshold would therefore mean that the political opinion of around half of the electorate would fall by the wayside. This could hardly be described as democratic.

Even under the current electoral law, only 12 parties managed to win parliamentary seats in the last elections. Only seven of them were able to win seats via the PR system. This is completely normal for a democratic system. It is therefore incomprehensible why the percentage threshold should be raised. For example, the CPN (US) did not exceed the three per cent threshold either. The fact that it was able to win 10 direct mandates is at least partly due to the undemocratic electoral alliance. In the Tarai, there are signs of negotiations on a certain merger of various parties which could also improve their electoral chances. This would not only result in a further reduction in the number of parties in parliament, but could also contribute to an improved representation of the Tarai population, presumably at the expense of the two governing parties, which they are consequently trying to prevent.

Above all, however, it should be noted that the political instability of recent years has nothing to do with the electoral system, but at best with its abuse by the ruling oligarchy. The political parties and especially their top party leaders are mainly responsible for the instability. In a democratic state, it is normal for governments to fail from time to time and be replaced by new ones. There can be many reasons for this: Incompetence of politicians, non-fulfilment of election promises, dissatisfaction within the parties, protests from civil society, etc. It is extremely rare in established democracies for politicians who have failed in this way to actually return to power. In Nepal, however, things are very different. There are three increasingly ageing politicians who are convinced that the country cannot do without them. They have their party people under extreme control, helped by the party law they created. That law grants the party chairmen almost absolutist power, which they can use to remove critics or disagreeable internal party rivals from

their path at their sole discretion, if necessary by expelling them from the party. The world champion among such authoritarian party leaders is that of the CPN (UML), which tolerates no foreign gods next to it and takes the most brutal possible action. As a side effect of the power struggles between the top politicians of the three parties, the party's own young people are also falling by the wayside and are not being given the chance to slowly prepare themselves for leading roles in state politics.

A further characteristic of degenerate party politics is the blatant nepotism with which posts and functions in government and politics are awarded to relatives, friends and other clientele. At the same time, this keeps the non-inclusion of traditionally marginalised social groups at a high level. In this way, top politicians secure the internal party support they need to stay in power. All areas of public life are infiltrated by party politics, which makes it considerably more difficult for them to function.

Never before have so many cases of corruption involving the highest political circles come to light. There is probably no party that does not claim to investigate such cases with the greatest possible rigour. However, in view of the procedure and the delay in clarification, doubts about such statements are justified. In view of the extent of the cases, it must be assumed that this corruption could not have taken place without the knowledge of the top politicians. Whether and to what extent they were involved has not yet been investigated. However, it is striking that the government approaches the cases very differently, depending on whether the accused are members of their own parties or political opponents. This in turn allows conclusions to be drawn about the integrity and understanding of democracy of those politically responsible.

Conclusion

Formally, Nepal is a federal democratic republic. In terms of political behaviour, however, it is more a case of the oligarchy of a few men from the Khas Arya circle. The ruling elite does everything it can to keep power in its hands for as long as possible, with three parties and their leaders standing out in particular. In the absence of the necessary majorities, the three leading politicians resort to coalitions in which they try to manipulate power in their respective interests. The result is extreme political instability. These politicians do not seem to care that the country is going down the drain, that the civilian population is becoming increasingly dissatisfied and that anti-democratic forces are trying to capitalise on this situation. Although they criticise the anti-democratic forces, they fail to acknowledge their own mistakes as the cause of the political crisis. One gets the impression that the politicians responsible are no longer in a position to realise their own failure and draw the necessary conclusions.