



## Electoral Bottlenecks and Problems of Governance in Nepal

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**ABSTRACT.** This paper assesses the electoral system and problems of governance in Nepal focusing on various phases of political developments since the 1950s. It analyzes the setbacks encountered in the democratization of the country. The article explains the function of Nepal's electoral system at various junctures of its recent history and traces the struggle of the people for democratic governance against an entrenched feudal culture of authoritarianism. It analyzes the role of the king, the political parties, and the geopolitics in the region in obstructing democratization, good governance and accountability. Finally, it shows how electoral deviations and lack of good governance have combined to engender Maoist insurgency. The paper argues that only a peaceful solution of the present day conflict brought about by Maoist insurgency will strengthen the democracy in Nepal.

**KEYWORDS.** Constitution of Nepal · electoral system · governance · Maoist insurgency · multiparty democracy · *panchayat* system

The essential democratic institution is the ballot box and all that goes with it.

William Riker, *The Art of Political Manipulation*

### INTRODUCTION

Democracy is the most promiscuous word in the world of public affairs (Crick 1964). Coming from the Greek word *demokratia* (drawn from *demos* meaning “people” and *kratos* meaning “rule”), it is a system of government that meets three essential conditions: meaningful

competition for political power among individuals and organized groups such as political parties, inclusive participation in the selection of decision makers and policies, and level of civil and political liberties sufficient to ensure the integrity of political competition and participation (Diamond, Linz, and Lipset 1995, xvi; Judge 1999). The combination of “people” and “rule” raises questions such as who the people are and how their fair representation can be ensured to rule the system of government. It becomes necessary then to have free and fair periodic elections through which the representative decision makers are selected among candidates who freely compete for the votes of virtually all adult population.

Hence, election is an opportunity for the people of a democratic country to elect their representatives in government. Sieyes has described election as a process of “entrusting government to people who are able to devote all their time to the task because” the citizens no longer enjoy the leisure required to attend constantly to public affairs and must therefore use election (Manin 1997 citing Sieyes 1987). The electoral process is often reflective of the system of governance. In authoritarian regimes, elections serve as a smokescreen to legitimize the unpopular methods of governance. In democracy, it is a hallmark of good governance.

A number of electoral systems exist in the world. The system of simple plurality, absolute majority and proportional representations are some of the most prevalent types of electoral systems around the world. Simple plurality or the first-past-the-post system is in practice in the United Kingdom and the United States, India and Canada (Reilly 2001). Nepal’s electoral system, too, is based on the practice adopted in the United Kingdom and India.

However, the experiment of democracy under the 1990 Constitution of the Kingdom of Nepal (hereafter referred to as the 1990 Constitution) remained highly deficient in terms of representation. Despite three parliamentary elections, the state structures remained highly dominated by a few caste groups while others remained peripheral or excluded (Khanal 2004). High hill caste groups, which constitute about 30 percent of the population, have more than 60 percent of the seats in the House of Representatives. Whereas the hill *dalits* (the so-called untouchables in Hindu caste hierarchy), which consist of more than seven percent of the total population has no representation at all—except one seat in the 1991 Parliament.

Hence, the so-called democratic constitution could not serve the best interest of the people. Further, the poor vision of the political parties, lack of fair and competitive coexistence of different political ideologies in the democratic platform, and the 1990 Constitution being unable to solve the never-ending power struggle between the king and the sovereign people have contributed in creating the environment that led to the electoral stalemate and obstacles in the smooth operation of democracy in Nepal.

This paper analyzes the various issues surrounding democracy and political dynamics in Nepal with special focus on the electoral system and the crisis faced by it. The kingship is a focal point in this analysis. Though historically the role of the king in the polity had been defined by certain provisions of the constitution, the king practically enjoys very special and powerful role in the political dynamics of Nepal. None of the constitutions were able to put the Royal Nepal Army under civilian control. The armed forces have been absolutely loyal to the king since time immemorial, regardless of the system of governance in Nepal. It also assesses the role and dynamics of multilateral or bilateral donors in the democratization of the electoral system as well as the impact of the Maoist insurgency on the worsening political situation of the country in general and the electoral setbacks in particular.

The paper discusses the political development as well as the electoral processes practiced in Nepal since late 1950s to 2004. It analyzes the historical data on democratic elections in Nepal which were held in 1959, 1991, 1994 and 1999 along with subsequent political developments in the country. It discusses the election process during the one-party *panchayat* system only in a cursory way as they were not held under a democratic framework, rather they were utilized to give the king's loyalists access to power. The data on parliamentary elections of 1991, 1994 and 1999 are used to discuss the electoral outcomes and consequences in Nepal. The data used are acquired from the Election Commission of Nepal as well as from other secondary sources of information.

Hence, the succeeding sections will discuss the electoral history of Nepal with reference to general elections held from 1950 to date, the electoral bottlenecks that came about, the political developments culminating in the present crisis, and in the concluding section, the possible ways to overcome them.

## THE ELECTORAL HISTORY OF NEPAL

The quest of the Nepalese people for democracy and freedom has been marked by many ups and downs. The Nepalese people had expected radical transformation of the Nepalese society following the overthrow of the autocratic Rana regime in 1950. Immediately after the success of the people's movement in 1950, the late King Tribhuwan had promised to hold an election for a constituent assembly to draft a democratic constitution. But the country was ruled under an interim constitution for about nine years. During that period, there was conflict between the democratic political forces and the late king who was eager to consolidate his power. King Tribhuwan died in 1955 and his son, the late King Mahendra, took over the rein of the state. Unable to resist the popular pressure for the democratization of the country, he ordered elections of the parliament in 1959 but not of the constituent assembly as promised by his father.

### The first general election

Nepal has had a short history of democratic election. The first general election was held in the country in 1959. The Nepali Congress, which is most closely identified with the 1950 Revolution ushering in democracy in the country by overthrowing the 104-year long rule of the Rana oligarchy, formed the government by winning absolute majority (Rose 1971). The Communist Party of Nepal became the main opposition by winning four seats in the House of Representatives. The late King Mahendra, however, wanted an active role for the monarchy and considered political parties and the Westminster model of democracy as an obstacle in consolidating the monarchy's reassertion to power. Very soon he started to incite hatred against political parties by saying that the political parties and the so-called democratic process endanger Nepal's identity and self-image. His ambition and lust for political power did not allow parliamentary democracy to work for long (Upreti 1993). On November 15, 1960, just after 14 months of its existence, he dissolved the parliament. He imprisoned the leaders of major political parties and initiated an authoritarian regime which was later defined by the partyless *panchayat* system. The *panchayat* system ruled the country for 30 years (1962-1989) until a massive people's movement in 1990 overthrew it.

### The *panchayat* system

Following the overthrow of the parliamentary system of government, King Mahendra devised a system of governance, the *panchayat* system. The *panchayat* system had a four-tier hierarchy. During those years, there was a legislative body called the *Rastriya Panchayat* which was composed of royal nominees or those people who were elected by a small electoral college. The electoral college was composed of the chairpersons and vice-chairpersons of village, town and district *panchayats* which were touted then as local government units.

Under this system, political parties and political organizations were declared illegal. It professed to strengthen the grassroots democracy but in fact it established an authoritarian system. The king created a political base and legitimacy for the *panchayat* system by initiating programs like the “Back to the Village National Campaign.” King Mahendra died in 1968 and his son, the late King Birendra introduced massive constitutional changes to further strengthen the *panchayat* system. Efforts were made to check the infiltration of outlawed political parties which were fighting for the overthrow of the authoritarian system from within by contesting elections to the different tiers of *panchayat* bodies. These measures eventually proved counterproductive. It led to further centralization of power, which alienated even those *panchas* (supporters of *panchayat* system) who wanted to incorporate liberal values into it and make it more accommodating.

### Armed struggle

Dissatisfaction grew in the Nepalese society and opposition forces; the Nepali Congress and a splinter of the Communist Party of Nepal launched armed struggles against the *panchayat* system. The Nepali Congress organized several armed raids from the Indian territory in the early 1960s and early 1970s. A faction of the Communist Party of Nepal also launched an armed struggle in early 1970s in the eastern district of Jhapa. But the king crushed mercilessly these insurgencies. In the meantime, B. P. Koirala, who was living in self-exile in India after his release from jail in 1968, returned to Nepal in 1976 with a program of reconciliation with the king, but King Birendra spurned his offer. Left with no alternative, Koirala gave a call for an all out movement to restore democracy. This culminated in the student movement of 1979 which ultimately forced King Birendra to announce a referendum. The

Nepalese people was made to choose between a multiparty system or a reformed *panchayat* system.

### The referendum

In early 1979, a small protest demonstration organized by the Nepalese students condemning the assassination of Julfikar Ali Bhutto in Pakistan snowballed into a historic student movement which forced King Birendra to call for a referendum on the country's political system. The motion for reforming the *panchayat* system won by a 54.79 percent majority and as promised, King Birendra, on May 21, 1980, constituted an 11-member Constitution Reform Commission (CRC) under the chairmanship of the Chief Justice of the Supreme Court of Nepal. The CRC was to furnish recommendations regarding the amendments on the 1962 Constitution of the Kingdom of Nepal. As suggested by the CRC, King Birendra, on December 15, 1980, promulgated the third amendment to the 1962 Constitution. The third amendment had made provisions for the election of the members of the *Rastriya Panchayat* on the basis of adult franchise. A "general election" to the *Rastriya Panchayat* was held every five years. Of the 140-seat *Rastriya Panchayat*, 28 seats were filled by the king's appointees (Dahal 2001). Though the electoral system improved slightly after the third amendment of the constitution, the candidacy of any individual citizen required prior approval by a monitoring institution called the "Back to the Village National Campaign" manned mainly by people trusted by the king. Another institution called *Panchayat* Policy and Investigation Committee exercised surveillance over political dissidents.

Under the amendment, any member of the *Rastriya Panchayat* who was nominated and supported by at least 25 of the total membership could be a candidate for the office of the prime minister. A member elected by at least 60 percent of the total membership would be recommended to be appointed prime minister. In the event no candidate receives the required number of votes, there will be a run-off between the two candidates who got the highest number of votes. If no candidate receives the required number of votes even after the run-off, provision was made for the *Rastriya Panchayat* to recommend three names from among its members, one of which was to be appointed as prime minister by the king (Dahal 2001). In turn, the prime minister will recommend to the king the members of the Council of Ministers. The king then appoints the members of this council who were also accountable to the *Rastriya Panchayat*.

The result of the referendum and the subsequent constitutional amendment received warm welcome from the supporters of the *panchayat* system. On the other hand, supporters of the multiparty system severely criticized the outcome of the referendum. They accused the government of massive electoral fraud and of unjustifiably strengthening the monarchy.

During the referendum period (December 16, 1979 to May 1980) and after the third amendment of the constitution, the political parties got opportunities to be in touch with the general public. They rallied them to support the pro-democracy movement against the absolute monarchy. Student organizations affiliated with the political parties participated in university student union election. This foreshadowed the pro-democracy movement's participation in the 1986 *Rastriya Panchayat* election. During this election, the leftist parties decided to participate in order to expose the anomalous nature of the *panchayat* system. Leftist parties fielded pro-multiparty politicians as "progressive candidates" who were able to win a few seats. During their tenure as *Rastriya Panchayat* members, they raised the voice of the people and exposed the absurdities of the *panchayat* system.

Until 1990, the *panchayat* system dominated the political life of Nepal. However, its position was eroded and then crumbled away rapidly within a year. The surge of the successful prodemocracy movement sweeping Eastern Europe, parts of the Soviet Union, and several Asian countries profoundly inspired the Nepalese people and political parties. Also contributing to the sudden transformation were the economic woes of Nepal, exacerbated by India's refusal to renew a trade and transit agreement, the widespread bureaucratic inefficiency and corruption at all levels of government, the misgivings openly expressed by the international donors over the country's inefficient use of aid, and a deplorable record on human rights.<sup>1</sup>

During the time, the political parties continued to work for the prodemocracy movement in semi-underground status by setting up forums of professional organizations as their legitimate fronts. In January 1990, taking advantage of relatively relaxed political control of the autocratic government, the Nepali Congress Party held its first national convention in thirty years within the residential complex of senior leader Ganesh Man Singh in Kathmandu. It was well attended by party delegates from all districts and observers from all political parties. Also present were influential Indian leaders Chandra Shekhar and Dr. Subrahmanyam Swami. They gave emotional speeches at the convention calling for democracy in Nepal. The convention decided to

work jointly with all the left parties in Nepal to launch a massive protest for the reestablishment of multiparty democracy in Nepal. Responding to the call of Nepali Congress, United Left Front, a coalition of seven communist factions also joined the movement. For the first time in Nepal, the Nepali Congress and the communist factions formed a consolidated front to protest the partyless *panchayat* system.

Starting February 18, 1990—the thirty-ninth Democracy Day and the thirtieth anniversary of the antidemocratic usurpation of power by the Palace—a series of spontaneous and turbulent mass demonstrations rocked major cities. People took to the streets to demand the restoration of a multiparty democracy, human rights, and fundamental freedoms. The success of the Kathmandu *bandh* (general strike) led by prodemocracy forces on March 2, 1990 was repeated in other parts of the country over the course of seven weeks. By the time the movement succeeded in totally uprooting the *panchayat* system, at least 50 people were killed, and thousands were injured braving the brutal force used by the authorities to suppress the agitation. The government also incarcerated hundreds of national and district-level leaders of both the Nepali Congress and the United Left Front.<sup>2</sup>

Unable to contain the widespread public agitation against the *panchayat* system and the mounting casualties, and fearing for the survival of the monarchy itself, King Birendra lifted the ban on political parties on April 8, 1990 but the unrest persisted. In the midst of continued violence, a royal proclamation on April 16, 1990 dissolved the *Rashtriya Panchayat* and invalidated provisions of the 1962 Constitution inconsistent with multiparty democracy. The next day, the King named Nepali Congress Party President K. P. Bhattarai as prime minister to lead the interim government. The eleven-member Bhattarai cabinet, composed of four members of the Nepali Congress, three members of the United Left Front, two human rights activists, and two royal nominees, was immediately entrusted with the task of preparing a new constitution and holding a general election. The government also freed all political prisoners, lifted censorship over all domestic and foreign publications, and established a commission, known as the Mallik Commission, to investigate the recent loss of life and property.<sup>3</sup> On November 9, 1990 a new constitution was in place.

### Post-1990 developments

The 1990 Constitution adopted the Westminster model of parliamentary democracy. The 75 districts of Nepal have been divided



into 205 electoral constituencies to form the House of Representatives (lower house). Based on the population of each district, the number of constituencies per district has been designated ranging from at least one to a maximum of seven. The National Assembly (upper house) is comprised of 60 members, of which 20 are elected every two years. Fifteen members including three women are elected from five development regions that comprise Nepal by an electorate made up of the chair and vice-chairpersons of District Development Committees (DDCs) and Village Development Committees (VDCs), the mayor and deputy-mayor of the metropolis, submetropolis and municipalities. There is a provision which allows 10 members of the upper house to be nominated by the king. The rest of the 35 members are elected by the members of the House of Representatives on the basis of single transferable vote.

Similarly, elections are also held for 75 DDCs, one metropolis, four submetropolises, 58 municipalities and 3,913 VDCs. The DDCs are divided into nine to 17 local constituencies and the DDC council is made up of a chairperson, a vice-chairperson and nine to 17 area members. The DDC officials are elected by the Electoral College composed of the municipal (including metropolis and submetropolis) and VDC council members within the district, and not by the direct voting of the people.

The metropolis, submetropolis and municipalities have been divided into nine to 35 wards and the municipal council is comprised of a mayor, a deputy mayor and nine to 35 ward chairpersons. Similarly, the VDCs are divided into nine wards and the VDC council is composed of a chairperson, a vice-chairperson and nine ward chairpersons. The people directly vote for their candidates in these local posts.

The 1990 Constitution provides for an election commission with responsibility to hold general and local elections. During the last twelve years, three general elections and two local elections were held in the country. The first general election after the 1990 people's movement (second in the history of parliamentary politics, the first being in 1959) was held in May 1991. The Nepali Congress won the majority by bagging 110 seats while the Communist Party of Nepal (Unified Marxists-Leninists [UML]) won 69 seats to become the main opposition. The third major political party, the United People's Front (UPF), won nine seats (The Kingdom of Nepal Election Commission 1999a, b). However, Prime Minister Girija Prasad Koirala, the then-

parliamentary party leader of the Nepali Congress, dissolved his own majority government and recommended to the king to order a midterm general election as he failed to produce a stable government for long due to party-infighting (Chandrasekharan 1999). This situation came about when 36 Maoist Party members of his own party revolted against him. This has been noted as one of the most tragic setbacks to the democratic electoral process in Nepalese politics. Within a short period of time, it was felt that the democratic movement in Nepal did not result in good governance (Upreti 2004).

The conflict has remained a systemic problem within the Nepali Congress since its inception as is the case with other political parties. Following the 1950 democratic revolution, the personal clash between B.P. Koirala and his brother Matrika Prasad Koirala brought about a split within the party. Later, when the late King Mahendra dissolved the parliament and introduced the one-party *panchayat* system (also called a partyless system), an ideological conflict between two senior Nepali Congress leaders, B.P. Koirala and Subarna Samsheer JBR, developed into a serious split within the party. Consequently, a group of 38 senior cadres of the Nepali Congress deserted the party under the leadership of Purshunarayan Chaudhary and joined the *panchayat* system. The Nepali Congress would, however, weather the storm under the able and dynamic leadership of B. P. Koirala. Following Koirala's death, Senior Leader Ganeshman Singh took the helm of the party which led the 1990 people's movement by forging alliance with the United Left Front, a loose coalition of the seven left political parties.

As has been already mentioned, the Nepali Congress won the majority and formed the government following the first general election of 1991. The Parliamentary Party of the Nepali Congress elected Girija Prasad Koirala as its leader and paved the way for his appointment as the prime minister. However, his effort to grab the top posts in both the party and government brought him in collision course with senior leaders Ganeshman Singh and Krishna Prasad Bhattarai. Thirty-six of dissenting Nepali Congress MPs brought about the fall of his government by being absent during a crucial vote. The conflict between the two factions found an open manifestation in the midterm election of 1994, in which the supporters of Girija Prasad Koirala played a key role in defeating their own party leader Krishna Prasad Bhattarai.

By dissolving its majority government and ordering fresh polls, the Nepali Congress had clearly expected to score a two-third majority in the parliament. Contrary to this expectation, however, the midterm election held in November 1994 produced a hung parliament. No contesting parties were able to win the required number of seats (103 out of 205) to form a majority government. The Communist Party of Nepal (UML) won the largest number of seats (88) and the Nepali Congress was whittled down to 83. However, the popular vote was still in Nepali Congress's favor: 33.38 percent compared to 30.85 percent for the UML (The Kingdom of Nepal Election Commission 1999a). The UPF, the third largest party in the 1991 election, boycotted the midterm election in 1994. The *Rastriya Prajatantra* Party (RPP) emerged as the third largest party as most of its leaders had come into active politics after four years of political hibernation. It won 20 seats, becoming the virtual kingmaker in the fractured parliament.

### ELECTORAL BOTTLENECKS AND FUTURE PROSPECTS

Almost all the major political parties which were able to ride the wave of popular support in the 1990 people's movement, suffered severe setbacks in midterm election held in 1994. The factional rivalry within the Nepali Congress made it pay heaviest in the election. On the eve of election, senior leader of the Nepali Congress Ganeshman Singh openly called the people to vote against the Girija faction of the Nepali Congress. He said, "the Nepali people must bring about the defeat of the G.P. Koirala band. The Nepali people, who have been able to uproot the Rana and *Panchayat* regimes, have now obtained an opportunity to throw away such elements. I have full confidence that they will do so" (quoted in Informal Sector Service Centre 1999). The Nepali Congress went to election with a divided psyche. The party organization was divided into the Koirala and Ganeshman-Bhattarai camps.

The Communist Party of Nepal (UML) could not also impress the electorate as it had failed to bring forward any imaginative programs for social economic transformation during the more than three years of its presence in parliament as the main opposition party. This party's failure to perform well is also ascribed to the death of its most charismatic secretary-general Madan Bhandari in a controversial road accident. There was a wave of grief on his death but the party could not cash in on it during the election.

### Party infighting

Similarly, the infighting within political parties and their lack of commitment to socioeconomic agenda caused disillusionment among the vast majority of the rural poor as to the superiority of the democratic system. As a result, those politicians who had worked hand in glove with the autocratic *panchayat* system had an opportunity to refurbish their image and stage a come back through the *Rastriya Prajatantra Party* (RPP).

Political analysts also think that the Nepalese electorate voted to produce a hung parliament because they thought that a simple or even an absolute majority by any party would not guarantee political stability in the country. They, therefore, wanted a collaborative democracy based on consensus and not competitive democracy, which sanctioned every vile method to maintain a majority in the parliament. But the subsequent events proved that the parties were reluctant to embrace the spirit of the people's mandate.

The minority Communist Party of Nepal (UML) government was formed when no party could muster the required majority. The minority government could not survive even for a year. When the opposition filed "no trust motion" against the minority UML government, Prime Minister Mana Mohan Adhikari recommended the dissolution of the parliament and a fresh poll. His recommendation was challenged at the Supreme Court which restored the parliament on the plea that the minority prime minister did not enjoy the same prerogative on the dissolution of the parliament as his predecessor.

The August 18, 1994 decision of the Supreme Court differentiating the level of prerogative enjoyed by the majority and minority prime ministers had a detrimental effect on the democratic electoral process. In the ensuing spree of concocting coalitions, the last shreds of democratic norms and values were thrown into the air justifying any kind of permutations and combinations. With its 20 seats in the parliament, the RPP, which is considered the promonarchist and revivalist force in the country, suddenly found itself as the kingmaker because its support could give either of the two political parties the required number of MPs to lay claim on the government. The situation reached such a state that the two largest political parties, Communist Party of Nepal (UML) and Nepali Congress, offered the RPP the opportunity to lead the government twice in order not to let their rival party go to power. The fractured parliament produced by the general election of 1994 is considered by many analysts as the fountainhead of

almost all the vices that followed. Numerous permutations and combinations were tried, six in all, but none resulted in a stable government (Chandrasekharan 1999). The use of money, muscle and commission became so widespread that the people started to get disenchanted with the democratic change.

### **Political estrangement and birth of Maoist insurgency**

The democratically elected government in 1991 could not deliver good governance nor could it foster goodwill with other political parties, especially the United Left Front (UPF) which had its stronghold in some of the districts of midwestern hills. The ruling Nepali Congress misused the government machinery and launched an offensive against UPF cadres especially in Rolpa district (which is now declared as the so-called capital of the Maoist People's Government). Such offensive created bitterness against democracy among the followers of UPF. Hence, the UPF decided to boycott the 1994 midterm parliamentary election. The UPF, then, created a cultural forum called Si-Ja Cultural Campaign (named after the Sisne hill of Rukum district and Jaljale hill of Rolpa district) that mobilized local youths to organize cultural programs, political meetings and awareness programs in every village of these districts to raise political awareness among the poverty ridden community (Ghale, Sharma, and Thapa 2004, Upreti 2004).

On October 8, 1995, the Si-Ja campaign organized a cultural program in Gam village of the Rolpa district. Cadres of ruling Nepali Congress party disrupted this program resulting in a major clash between the two groups. Hundreds of people were injured. The cadres of ruling party reported this to the police and the latter, with its ill-intention, launched Operation Romeo that led to the arrest of a large number of UPF supporters. By creating false cases, the police physically tortured and jailed them. After this incident, the Rolpa district became politically explosive. The Communist Party of Nepal (Maoist) exploited this situation to launch a "people's war" on February 15, 1996 (Ghale, Sharma, and Thapa 2004, Upreti 2004). It rapidly gained pace, and by 1998, it was able to bring about a crisis too grave to allow one or the other unholy alliance to limp on. Expectedly, Prime Minister Girija Prasad Koirala again recommended the dissolution of the parliament and ordered fresh polls.

Contrary to what was anticipated, the Nepali Congress won a comfortable majority in the election held in May 1999. It was able to bag 111 seats and the UML, which was expected to cash in from the

inaction of and inter-party feud within the Nepali Congress, was badly mauled because of a major split a year before within their own party on the issue of nationalism and on the interpretation of multiparty people's democracy. Despite this, it was able to garner 71 seats and became the main opposition. RPP, the kingmaker in the recently concluded parliament, could muster only 11 seats whereas the Nepal Sadwawana Party (mostly representing Madhesi population or Nepalese people, with Indian origin, living in the plain areas bordering India), captured five seats and the Janamorcha (a fraction of earlier UPF) garnered five seats. The rest of the seats went to other small parties and independents (The Kingdom of Nepal Election Commission 1999a, b).

During its tenure, the Nepali Congress government spent much of its time and resources on inner party strife and armed suppression of the Maoist insurgency. But the inner-party bickering and the insurgency both increased phenomenally during this very period. There was a change of hands among the Nepali Congress stalwarts in running the government. In 2002 the party in-fighting within the ruling party came to a head when Prime Minister Sher Bahadur Deuba decided to extend the state of emergency in force for one year for another six months. His party opposed his decision and initiated disciplinary action against him. He then decided to split from his mother party and form Nepali Congress (Democratic). The lack of majority in the parliament and the ever intensifying Maoist insurgency forced Prime Minister Deuba to dissolve the parliament and order for a fresh poll on November 13, 2002.

### **Constitutional stalemate**

But the situation became worse when Prime Minister Deuba dissolved even the elected local bodies and rendered the country devoid of elected representatives. By dissolving local bodies, he not only created a power vacuum at the local level, which the Maoists were quick to fill by extending their presence in the form of "village people's governments," but also severed the last strand of practical alliance with the UML and other leftist parties which held majority seats in the local government and were, by virtue of this, at the forefront in the political struggle against the Maoists. Forced by circumstances, Prime Minister Deuba recommended the postponement of the election and extension of the term of the present caretaker government. Disagreeing with the

prime minister's recommendation, the king, who seemed to be on the lookout for an opportunity to strike, dissolved Deuba's government branding him incompetent and assumed executive power of the state on October 4, 2002 under Article 127 of the 1990 Constitution which states that "if any difficulty arises in connection with the implementation of this Constitution, His Majesty the King may issue necessary orders to remove such difficulties and such orders shall be laid before Parliament." He has been running the country ever since with the help of nominated prime ministers bringing about the greatest constitutional crisis in the history of parliamentary democracy of the country. The February 1, 2005 royal takeover became the last nail in the parliament's coffin.

### **Core of the present crisis**

Most political observers now believe that the absence of elected democratic institutions and the lack of environment to hold fresh parliamentary and local elections lie at the core of the present crisis. The nine-year long Maoist insurgency has taken its toll; more than 10,000 people have lost their lives and 80 percent of rural territory is under the direct or indirect control of the Maoists.

It is argued that the failure of the political parties to gain maturity to run the nascent democracy is one of the major causes of the present-day constitutional impasse in Nepal. Add to this the never-ending power struggle between the king and the sovereign people brought about by the 1990 Constitution, for which the civilians are paying heavy price. The current crisis with all the symptoms of a failed state appears to be leading Nepal towards a catastrophic future.

### **Erosion of political culture**

There is now a consensus that what is behind the failed experiment with the Nepalese democracy is the deeply entrenched culture of feudal authoritarianism. A healthy democracy needs the development of a democratic civic culture with a set of behaviors, practices and norms that define the ability of a people to govern themselves. However, democratic change in Nepal remained heavily dominated by external democratic values like the Westminster model of parliamentary system, which clashed with the native culture of despotism. More successful Asian democracies have indigenized democratic values. Unfortunately, however, Nepal only copied the ostensible characteristics of democracy

like periodic elections and the rule of majority but failed to inculcate the set of democratic norms and values that will mold the outlook and attitude of the whole society.

Conducting regular elections alone does not pave the way to democratic governance. The expression of the popular will has to be supported by restrictions on absolute power of the executive with the help of an independent judiciary, rule of law, and protection of individual rights and liberties. Over the past decade Nepal experienced majority, minority, and several other forms of coalitions but they failed to bring about a palpable change in the cultural mindset of the society. Instead of fostering relationship with the people, it only nurtured the unholy alliance between politicians and the vested interest groups of the society. Because of this, to remain the majority became the sole objective and any means to achieve that—fair or foul—was deemed acceptable.

The worst forms of undemocratic behaviors were demonstrated by the ruling and the opposition parties during the past twelve years of democratic governance. They colluded to share unlawful benefits and bickered over public issues. In order to bring the benefits of the Maoist Party to international standard, state money was squandered on importing expensive vehicles, disbursing fake medication bills and sending MPs (even ministers) abroad to ensure their absence during crucial parliamentary voting. It is regrettable that Nepal's democratic experience exemplifies Samuel P. Huntington's prediction that "threats to third-wave democracies is likely to come not from generals and revolutionaries who have nothing but contempt for democracy, but rather from participants in the democratic process" (Huntington 1996, 3-12).

### **External influences**

Nepal's geopolitical location as a buffer region between two great Asian powers China and India has always made it susceptible to external influences. It is a meeting point for two civilizations and the two subcontinents of South Asia and Central Asia. It is also a host country of two religions, Hinduism and Buddhism, and these religions are most dominant in India and China respectively. Because of the geographical and cultural proximity with these two powers and their strategic interest in the political situation of this country, Nepal has experienced strong external influence in its political process from its



early unification to the present day. Prithvi Narayan Shah unified Nepal under the threat of being overwhelmed by the relentless British Empire in the south and the expanding Chinese empire in the north.

Junga Bahadur Rana engineered a palace massacre in 1846 and usurped power with covert support from the British. The autocratic Rana rule was overthrown by the 1950 Revolution which was also influenced and inspired by the Independence Movement of India. The 1990 people's movement which brought the present day multiparty system was part of what is now known as the third-wave democracy.

The success of the 1990 people's movement is ascribed to the positive support of the Indian government, as well as its senior political leaders. It is also widely perceived that the internal political developments in Nepal, including the change of governments, are directly or indirectly influenced by the Indian interest.

There have been some positive efforts from various foreign governments, bilateral and multilateral donor organizations to strengthen the democratic system in Nepal. There have been a number of projects being implemented by various donors to strengthen decentralization of authority, local self-governance and capacity building of local leaders. Despite their noble efforts, the feudal sociopolitical structures rooted in hundreds of years of injustice, oppression, ethnic and gender discriminations, practice of "untouchability," unequal distribution of power and resources as well as malgovernance, have not improved at all.

Nepal's historical relation with Britain has also had substantial influence in the strengthening of democratic electoral system in Nepal. Following the 9/11 terrorist attack in the US and its subsequent global war on terrorism, Nepal's own insurgency generated US interest in Nepalese political affairs and the security of the region.

The present day crises of governance and electoral problems have unmistakable external ramifications. Maoist insurgency has been built upon an ideological plinth, which has its origin in a foreign country. The Maoist ideology of revolution is not indigenous to Nepal and is least likely to strike root in this country. The open border with India has created conducive condition for the origin and growth of the Maoist movement, which has now become the largest factor of instability. Political analysts believe that the Maoists have played into the strategic cross-purposes of China and India with significant success. A section of political pundits even argue that India has allowed Maoist activities on Indian soil to bring pressure to bear on the present

government of Nepal and compel it to sign agreements enabling India to lay claim on a larger share of water and other natural resources of Nepal.

Similarly, India has been the largest single external factor influencing electoral process of Nepal. During elections, the presence of Indian muscles and money has had considerable role in determining the outcome of elections in constituencies bordering India. Due to an open and porous border with the southern neighbor, political interest groups, proxy voters and armed gangsters often interfere in the process of election. Regrettably, the Nepalese government has been unable to do anything about this.

## CONCLUSION

Nepal's electoral system is in the process of evolution. Beginning from early 1950s, it has encountered various hurdles, suffered distortions and gained experiences. The short tryst of the Nepalese people with democratic electoral process in the 1950s was rudely broken by the royal coup of 1960. For the next thirty years, the Nepalese people did not have any opportunity to exercise their electoral right in a free and fearless manner. The country was run by the diktat of the king and the elections were held only as a smokescreen. The limited use of franchise was controlled by various restrictive preconditions such as loyalty to the crown, the partyless character of the political system, and the approval of the candidacy of an individual by royalist institutions like the "Back to the Village National Campaign" or *Panchayat* Policy and Evaluation Committee. The students' movement of 1978 forced the king to introduce some reforms in the autocratic *panchayat* system. The referendum held in 1979 saw the exercise of adult franchise for the first time since 1960. This triggered the democratic aspiration of the people who ultimately overthrew the *panchayat* system and restored multiparty system of government in 1990.

The twelve years after the 1990 people's movement are considered the happiest days of Nepalese democracy. But the democratic process was still not free from rigging, misuse of state resources, use of goons, guns, and gold. Election has become a privilege, not a right for the poor people. The perversions and anomalies resorted to by political parties to garner majority led to an ever spiraling cost of election where only the elite could afford to aspire to an elective post. This created great disillusionment among the people towards the whole democratic

process, and thus providing an opportune moment for the regressive forces to unleash an attack against democracy. The king's October 4, 2002 decision was a master stroke designed to stem the tide of democracy and to steer Nepalese politics towards the path of thinly veiled authoritarianism in the name of guided democracy. Further, the royal takeover on February 1, 2005 saw the virtual demise of democracy in the country.

Over the past twelve years, democratic countries of the world and various bilateral and multilateral donors have rendered remarkable positive contributions in strengthening the democratic system in Nepal. A number of projects are being implemented with their help to strengthen decentralization of authority, local self-governance and capacity building of local leaders. Despite their best endeavors, the feudal sociopolitical structures, rooted in hundreds of years of injustice, suppression and inequality, remain unreformed. The failure of the democratic multiparty system to evolve a mechanism allowing all the stakeholders of the society to share the benefits of democracy on equal footing and the flawed electoral practice have created massive social resentment which has found expression in the Maoist insurgency.

Concomitant with the regressive game plan of the king, the Maoist insurgency, which has a declared objective of establishing a republican state in Nepal, is tightening its hold on the nation. Similarly, a combination of four parliamentary political parties is carrying out agitation against the regressive royal step of October 4, 2002 and the violent insurgency of the Maoists. The Communist Party of Nepal (UML) was also part of the alliance until recently. But it decided to withdraw from the movement and join the government, maintaining that the king's reappointment of Sher Bahadur Deuba as prime minister had corrected regression, albeit partially. In such situation, holding parliamentary and local elections has become a daunting task. Two schools of political thoughts are contending with each other. One believes that the stalemate of the present situation can be broken once parliamentary and local elections are held. Another argues that no election is possible unless the vicious cycle of violence is first broken through peaceful negotiation. Decision on either of the two options is likely to usher in a great change in the future political structure of the country.

In sum, the evolution and strengthening of elected leadership in Nepal has been severely disrupted and may be energized again only with the restoration of parliamentary process and consolidation of multiparty

democratic values. Whether this can be achieved in a foreseeable future will largely depend on whether a consensus can be forged to bring the Maoist insurgents back to the peaceful political process through a meaningful dialogue. ❀

## NOTES

1. *The Columbia Electronic Encyclopedia*, s.v. "Nepal," <http://reference.allrefer.com/encyclopedia/N/Nepal-history-recent-history.html> (accessed March 4, 2005).
2. *Ibid.*
3. *Ibid.*

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The opinions expressed in this article are of the authors and do not necessarily reflect the views of the organization they work for.

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