

# Nepal Observer

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## NCP between unity and power struggle: self-examination and rights violations instead of government action?

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At the end of 2017, a disciplined electoral alliance of the two left-wing parties CPN-UML (Communist Party of Nepal - Unified Marxist-Leninist) and CPN-MC (Communist Party of Nepal - Maoist Centre) brought about a fundamental change in the balance of political power. Since 2002, when the now deposed King Gyanendra putshed, no party had managed to achieve an absolute majority. Even the then majority of the NC (Nepali Congress) had been rather fragile due to internal power struggles. In principle, the phase of unstable governments already began in November 1994. What may now appear to be a classic wrangling within a left-wing party, however, blocks government action at all levels, which many local population groups so urgently need.

Thanks to the 2017 elections, the Party Alliance achieved absolute majorities not only in the two chambers of the national parliament, but also in six of the seven provincial assemblies. Only in Tarai Province 2 did parties with an ethnic-regional orientation prevail. When the two left-wing coalition partners formally joined forces in May 2018, political power was actually concentrated on just one party. With reference to the mother party founded in 1949 in exile in India, the party is now called the NCP (Nepal Communist Party).



Leading politicians of both parties celebrate their merger in May 2018 (Kathmandu Post, 9 September 2019)

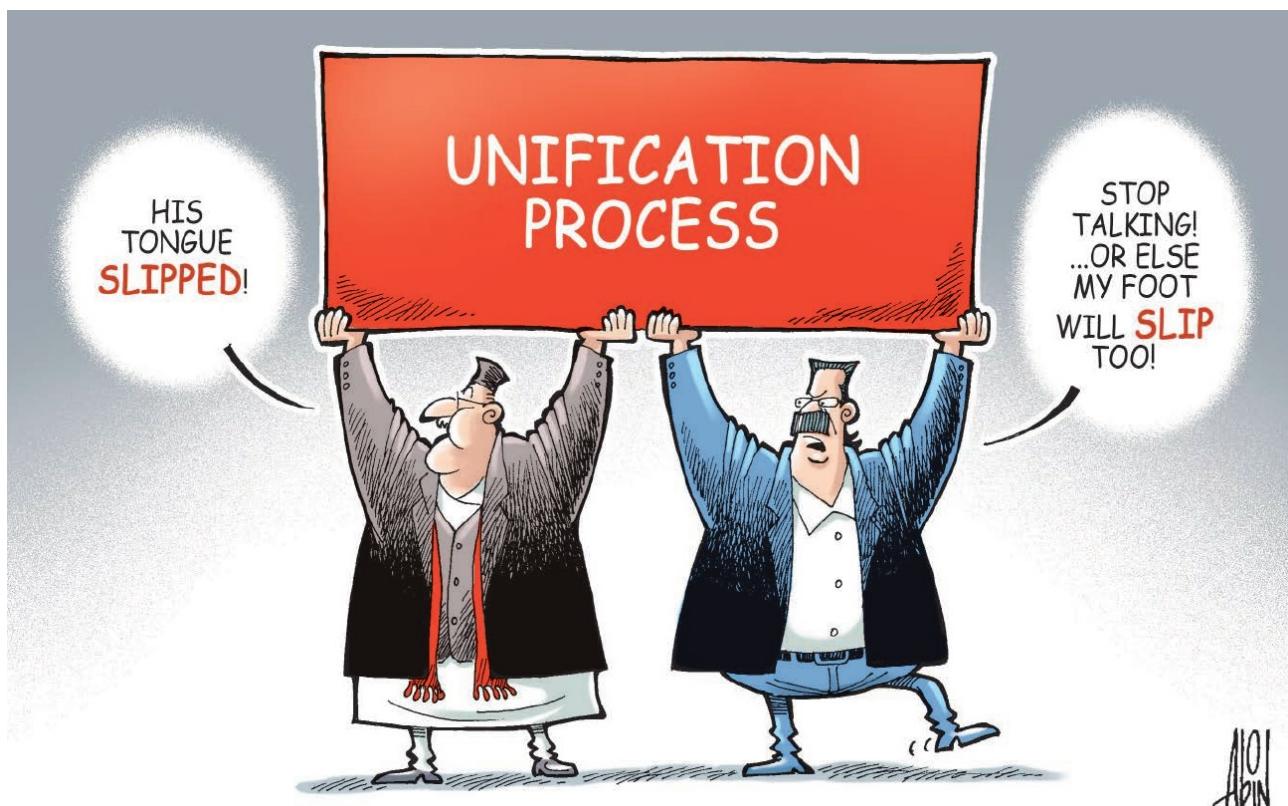
## Incomplete merger

The merger of the two parties in 2018 was based solely on internal agreements between the two party leaders Khadka Prasad Sharma Oli (formerly CPN-UML) and Pushpa Kamal Dahal (formerly CPN-MC). Their details are still unclear. The main issue was the distribution of power at the head of the new NCP. The focus was on the dual leadership of Oli and Dahal. Both act as equal party leaders. In another agreement, Oli was initially to hold the office of prime minister. As such he had been elected in February 2018. After half of his five-year term he was to hand over the post to Pushpa Kamal Dahal. Both leading politicians, however, interpreted this agreement differently in the period that followed.

At the next party level of top politicians, the consequences of the merger were even less clear. There was an intense wrangling over the now smaller number of higher party offices, which lasted more than a year. In the end, it became clear that the top politicians of the former CPN-MC had to accept clear disadvantages, which could only be justified to a certain extent by the result of the second vote of both parties. Compared to 2013, the Maoist party had slipped by another 1.5 percent to only 13.7 percent of the votes. As a reminder, in the elections for the first Constituent Assembly in April 2008, the Maoists had still received around 30 percent of the votes. Many of the former Maoist politicians felt disadvantaged after the parties merged, especially at regional and local level.

## Dissatisfaction within the NCP

Dissatisfaction and power struggles within the party are the result of the NCP's lack of democratic structures and processes. The latter, incidentally, applies to all political parties in the country. To this day, all personnel elections and decisions are made from the top down. This is not a matter of qualifications and good repute, but first and foremost of giving due consideration to the internal party camps, which gather around a handful of top politicians.



Power struggle between Oli and Dahal (Kathmandu Post, 11 February 2019)

Of course, the Maoist party has also known rival camps in the past, headed by a few leaders. In contrast to the former CPN-UML, however, these internal party power struggles had been resolved in the past by splits. The radical group around Mohan Baidya had already split off in 2012 after the failure of the First Constituent Assembly and resisted the further process of constitution-making. In early 2016, the moderate group around Baburam Bhattarai, who had since identified himself as a socialist and sought cooperation with ethnic and Madheshi parties, also retired. As a logical consequence, the Nayan Shakti Party, which he founded, merged with the Socialist Forum Nepal (SFN) in May 2019 to form the Samajwadi Party Nepal (SPN). It is coalition partner in the current government. These splits meant that the party group around Pushpa Kamal Dahal was largely faction-free before the merger.

The situation was completely different in the CPN-UML. Here, three top politicians have been fighting their internal power struggles for years without a formal split. All three had already held the office of prime minister: K.P. Oli, Madhav Kumar Nepal and Jhala Nath Khanal. A split was also prevented by an exact percentage consideration of these camps in all post allocations. Two other politicians need to be mentioned in this context: the ambitious Ishwar Pokharel, currently Deputy Prime Minister, and Bam Dev Gautam. The latter failed in the 2017 elections and had already caused a temporary split in the CPN-UML in 1998 in a direct power struggle with Madhav Kumar Nepal. This leads to five camps within the former CPN-UML, all of which want to be taken into account in the allocation of posts.

### **Social structure of the NCP leadership**

There is also a lack of social representation within the NCP leadership. The names mentioned make this clear. Apart from Narayan Kaji Shrestha, they are all male Bahuns. Their share of Nepali society is only 6 percent, while they dominate all areas of public life, including political parties, with a share of up to more than 50 percent in every respect.

Not only the new Constitution of 2015, but also the Political Parties Act and the statute of the NCP require adequate participation of all social groups in the allocation of posts and mandates. However, the NCP, or its two predecessor parties, did not take this clear requirement into account when nominating candidates at all three levels of the new federal system, nor when awarding ministerial posts, nor when awarding posts within the party. This is particularly blatant with regard to the mandatory participation of women of at least 33 per cent. In May 2018, following the merger of the NCP, only 16 per cent of the 441 members of the Central Committee were women. At that time it was said that the quota would be observed at the next party convention, i.e. in probably five years' time. The women's quota in the Council of Ministers is also only 16 percent.

### **Power struggle of top politicians**

For a few weeks now, the NCP, which is not really united, has been experiencing a sustained crisis, and the power struggles of the top politicians have been in the foreground. Although a change in the Prime Minister's office from Oli to Dahal would not take place until the middle of next year, Dahal reminds us of this agreement at every opportunity. Oli recently countered that he would remain in office for the full five-year legislative period. This, in turn, prompted Dahal to hold talks with the oppositional NC. Health problems of Oli, who had a kidney transplant in 2007, have repeatedly prompted the Prime Minister to seek treatment in Singapore. This in turn means that Dahal sometimes has more freedoms as co-chair.

Since the places behind Dahal and Oli are hierarchically ordered within the party, another conflict arose when Oli pushed through Madhav Kumar Nepal and Jhala Nath Khanal to change places 3 and 4. M. K. Nepal felt betrayed and started a campaign to separate state and party offices. Whoever holds a government office should not hold a high office within the party leadership. The quarrel degenerated so that politicians from the second row muzzled the party superiors about statements in public.

## Rule of law and human rights

There is no doubt that the NCP is in a serious crisis after only one year. This is also due to the weakness of the government, which, despite a large parliamentary majority, is unable to tackle the changes and developments that have been announced with great pomp. In principle, the government hardly differs from its predecessors, who were additionally based on difficult coalitions. Not even the legal foundations needed to shape the federal state exist. In many respects, the impression prevails that this government does not want federalism at all and instead strengthens the centralist state. The government crisis is further aggravated by numerous interventions in the rule of law.



*Threat to freedom of the press and freedom of expression (Kathmandu Post, 18 April 2019)*

The government has repeatedly responded to increasing criticism from the media and civil society with severity and a restriction of fundamental rights. In general, the human rights situation under the NCP government has deteriorated significantly.

## Justice for the victims?

Justice for the victims of the 10-year conflict would have been a priority task for the government, a process in which all governments have failed since 2006. A reappraisal of the crimes committed during the civil war is clearly not desired. The commissions set up for this purpose years ago lack the legal basis, resources, personnel and time; their new appointments have been hanging on the ropes for months. Repeatedly offered international support is strictly rejected as external interference in internal Nepalese affairs. But the perpetrators of the past sit in government, parties, authorities, security forces etc. and now want to provide justice for the victims. What can we expect?

The Oli government has excelled particularly negatively with a curtailment of the fundamental right to freedom of information and opinion. Freedom of the media and freedom of demonstration have been drastically curtailed. Criticism of the Prime Minister and the government, including via the social media, is punishable by law. Example: In early September, the journalist Om Bahadur Hamal was arrested for being a sympathiser of the CPN, the radical Maoist party led by Netra Bikram Chand, outlawed by the government. At the instigation of the Supreme Court, he had to be released, but was immediately arrested again. At the same time, the political parties - and this applies to all parties - cover and court criminal elements. Convicted criminals or people accused of participating in crimes are given party functions, nominated as candidates in elections and even sworn in as "people's representatives" in parliaments.



*Journalists demonstrate in Kaski district for the release of their colleague Om Bahadur Hamal  
(Himalayan Times, 5 May 2019)*

## Women's rights

In this context, there are other fundamental rights to which insufficient respect is paid. In particular, the rights of women in Nepal, which remains an extremely patriarchal country, continue to be severely restricted. Against the background of the male leaders of Nepal's refusal to accept women as fully equal citizens, a highly differentiated citizenship law has been created, which continues to this day the traditional discrimination against women and their children, if the father does not have full Nepalese citizenship, including countless forms of discrimination. The annual human rights report of the American Department of State speaks of well over 5 million people in the country without citizenship.

Even rights to better participation of women enshrined in the constitution and subordinate laws are simply disregarded, for example by the ruling party NCP in the appointment of functionaries after the merger of the two left parties. Violence against women is rampant, at least the media report about it intensively, but their prosecution is often politically prevented.

The new constitution contains numerous provisions for better inclusion and participation of traditionally excluded social groups - Janajati, Madhesi, Dalits, Muslims and women in general. However, the composition of the government, parliaments, party leaders and virtually all public institutions continues to speak a different language.

Even the law on the National Human Rights Commission (NHRC) was put up for discussion. A government bill aims to have the Commission monitored by the government. This would turn its task upside down. Apart from that, all governments in recent years have paid little attention to the reports and directives of the NHRC. Nepal's handling of fundamental human rights still does not match its status as an elected member of the UN Human Rights Council (2018-2020).

### **Perspectives?**

So far, Prime Minister Oli has rejected a reshuffle of the government despite its numerous weaknesses. In the interest of greater stability thanks to governments remaining in office for longer, this may seem sensible at first glance. However, the question remains as to how long the government will allow itself to continue its weak government action. Criticism from civil society and the media has become loud and clear in recent months.

The demand for an exchange of the Prime Minister and the formation of a new government seems like an option. However, Pushpa Kamal Dahal, like Oli, has failed twice as prime minister in the past. The power struggles at the head of the NCP are likely to continue one way or the other. One hope would be to bring on board a younger generation of party politicians who represent as many social groups as possible. They should be as free as possible from the crimes of the civil war (1996-2006), stand up for democracy, federalism and the rule of law, and be able to distance themselves from hierarchical social structures. Whether there are enough such persons within the NCP? What is certain is that the current squad of male Bahuns at the head of the NCP will do its utmost to prevent such a development.

This article is partly based on two minor German contributions of the author, that were published in the journal Südasiens 39, 3 (2019).