

Failure of Westminster Parliamentary and Presidential Systems: Which Executive Type is Suitable for Nepal?

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Social Science Baha

Types of executives

- **Westminster Parliamentary System**
 - Vibrant Parliamentary System
 - **Presidential System**
 - Semi-presidential System
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- Failure of Westminster system is well established in Nepal
 - Governmental instability, extensive power abuse, & lack of development
 - Less knowledge, observation and experience about presidential system in Nepal – Focus on it

Parameters for evaluation

- Stability
- Performance/Delivery
- Accountability/control of corruption
- Inclusion

Instability in Presidential Systems

- All Presidential systems have witnessed at least one major crises
 - Presidents often rule by decree because do not enjoy majority in Legislature
 - Centralization of power in the presidency by weakening legislature, judiciary and other independent central agencies
 - Rest of the political parties oppose, inviting
 - Impeachment of the president
 - Military Interventions
 - Long, often destructive, and sustained street movements
 - PERU in November 2020
 - Three presidents in a week
 - Four presidents in six months
 - Civil War in the US
 - Fixed tenure has reduced government instability but often invited major or even regime instability

TABLE 1 Interrupted Presidencies in Third Wave Democracies, 1974–2003

| Region | Country | President | Term | Interruption Type |
|--------------------------|-----------------------|---------------------------|-------------------------|---|
| Central & Latin America | Dominican Republic | Antonio Guzmán Fernández | 16 Aug 1978~4 July 1982 | Suicide during scandal |
| | Dominican Republic | Joaquín Balaguer | 16 Aug 1986~16 Aug 1996 | Resignation |
| | Guatemala | Jorge Serrano Elías | 14 Jan 1991~1 Jun 1993 | Resignation |
| | Ecuador | Abdalá Bucaram Ortiz | 10 Aug 1996~6 Feb 1997 | Deposed by parliament for mental incapacity |
| | Ecuador | Jamil Mahuad | 10 Aug 1998~21 Jan 2000 | Coup |
| | Brazil | Fernando Collor de Mello | 15 Mar 1990~29 Dec 1992 | Resignation |
| | Bolivia | Hernán Siles Zuazo | 10 Oct 1982~6 Aug 1985 | Resignation |
| | Bolivia | Gonzalo Sánchez de Lozada | 6 Aug 2002~17 Oct 2003 | Resignation |
| | Paraguay | Raúl Cubas Grau | 15 Aug 1998~28 Mar 1999 | Resignation |
| | Argentina | Raúl Alfonsín | 10 Dec 1983~8 Jul 1989 | Resignation |
| Post-Communist Countries | Argentina | Fernando de la Rúa | 10 Dec 1999~21 Dec 2001 | Resignation |
| | Russia | Boris Yeltsin | 10 Jul 1991~31 Dec 1999 | Resignation |
| | Georgia | Eduard Shevardnadze | 10 Mar 1992~23 Nov 2003 | Resignation |
| Africa | Guinea-Bissau | Kumba Ialá | 17 Feb 2000~14 Sep 2003 | Coup |
| | Niger | Mahamane Ousmane | 27 Mar 1993~27 Jan 1996 | Coup |
| | Burkina Faso | Sangoulé Lamizana | 14 May 1978~25 Nov 1980 | Coup |
| | Ghana | Hilla Limann | 24 Sep 1979~31 Dec 1981 | Coup |
| | Nigeria | Alhaji Shehu Shagari | 1 Oct 1979~31 Dec 1983 | Coup |
| | Central African Rep. | Ange-Félix Patassé | 22 Oct 1993~15 Mar 2003 | Coup |
| | Republic of the Congo | Pascal Lissouba | 31 Aug 1992~15 Oct 1997 | Deposed |
| Asia | Madagascar | Albert Zafy | 27 Mar 1993~5 Sep 1996 | Impeachment |
| | Philippines | Joseph Estrada | 30 Jun 1998~20 Jan 2001 | Divestment by Supreme Court |

Westminster Parliamentary systems have mixed performance on stability

- Countries like the UK have been stable
- “Homogenous” countries have been stable
- Ethnically diverse countries, especially bipolar societies, have faced major instabilities, due to conflict, including violent ones
 - Bi-polar societies create permanent majority and minority
- 1990 Nepal constitution provided Westminster Parliamentary system
- Current parliamentary system is not Westminster Parliamentary system
 - Governments have survived two years – there has been a difference

Delivery – Development/prosperity

- Presidents look strong but do not enjoy power
- Institutionally legislature is stronger than president because they make the laws (unlike Parliamentary system)
- Presidents parties most often do not enjoy majority – hence they can not make policies they prefer
 - Presidential power: Veto and Power of persuasion
- Thus, presidents try to rule by decree or attempt to centralize power
- In parliamentary systems, ruling party or coalition have majority and most bills are initiated by the government
- Thus, parliamentary system can perform more than presidential system

Presidential Failures- American Examples

- Trump first term and major agenda - border wall along Mexico
 - Largely unsuccessful
- Obama major agenda: Universal Healthcare
 - Failed overall – extended healthcare to some
- Biden major agenda: Substantive environmental policies and budgeting
 - Largely unsuccessful
- Presidents do not make laws; they can veto it only by not signing it
- Governmental Gridlock
- Watershed presidency work but they are rare: majority and support in both Houses, supportive public opinion, and Power of persuasion

Abuse of Power/Corruption

- Member of legislatures make policies and laws in presidential system
- They are powerful – chances of abuse of power by them higher
 - The problem of lobbying by the corporations in the US to undermine and block pro-people policies
- In a corruption prone society, power means that member of legislatures may highly likely abuse their power
- Nepali executive Presidents may most probably appoint their family members to different positions
 - Arju Deuba may have become minister much earlier in a presidential system
 - **Recruitment of Experts or Family** members/loyalists?
- Corruption is a different institutional issue than Presidential vs. Parliamentary system

Accountability and Controlling Corruption

- Vertical accountability:
 - Elections may hold leaders accountable during elections
 - It cannot control corruption in-between elections
 - Media can contribute to exposing corruption but it does not directly control corruption
 - Social movements can make power holders accountable and contribute in controlling corruption but very challenging to launch social movements
- Effective Horizontal Accountability is lacking in Nepal
 - Powerful central agencies
 - Independent – appointment, staffing and budgetary matters

Inclusion

- Presidential system is a one person cabinet – cabinet members are advisors only
- Coalition possibility in Parliamentary system provides more opportunities for inclusion
- Presidential systems pushes for two-party system
 - Less chances for new political parties to grow
 - Less chances for the political parties of Dalit etc.
 - Less chances for new forces like environmental parties

Vibrant Parliamentary System

- Constructive vote of confidence
 - Already Nepali cabinets are more stable than before
- Reform the current requirement to demonstrate support if a party withdraws support – make it not possible to withdraw support for two years
- Proportional distribution of committee chairpersons
 - Opposition party chairs have incentive to hold government more accountable
 - Accounts committee chair to opposition in Nepal – new reform?
- Private bills – in Germany 20-25% bills are private
 - Parliamentary whips should be restricted to major issues like budget, no confidence motion
- Fused parliamentary system cabinet have more real power to deliver if they are held accountable of power abuse and corruption

Conclusion

- Vibrant parliamentary system (aka German/West European) are better off in following sectors
 - Stability
 - Performance/delivery
 - Accountability and control of corruption – parliamentary committees holding government accountable vs. powerful parliamentarians/legislatures engaging in power abuse/corruption
 - Inclusion
- Research has demonstrated that executive regimes with strong parliaments perform well