

Neither Government Formation, Nor Consensus



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Attempts to form a national government to prepare proper environment for promulgating the constitution failed. Though the leaders kept saying the constitution would be promulgated on January 22, there was no sign of it. After a protracted debate, the report of the Constitutional Political Dialogue and Consensus committee was submitted to the Constituent Assembly. There was no conclusion in the Constituent Assembly even after the discussion on the disputed issues of the constitution, which created vacuum in the constitution-drafting process. Despite several meetings among Congress, UML, and UCPN (M) to seek consensus on the disputed issues of the constitution, there was no outcome. While the opposition focused on protests, various organisations started to pressure for constitution promulgation on January 22.

Attempts at National Government Formation

UML started its exercise to form a national joint government before promulgation of the constitution. UML chairperson KP Sharma Oli increased meetings with Tarai-Madhes-focused parties. He met Madhes-focused parties in groups and separately. 'It is our proposal that the constitution be promulgated with the consensus of every one and they (Madhes-based parties) also join the government,'¹ UML former chairperson Jhalanath Khanal said. There were informal talks among the parties on this issue. Though there were no big disagreements over federalism and form of government, after the issue of coalition government started to take centre stage, attempts were made to sort out both the issues at the same time.² However, the leaders of Madhesi Alliance decided not to join the government until there was consensus on the issues of the constitution. It was UML's objective to include all of the Madhes-focused parties or at least some of the parties in the government. The issue of joining the government also created problems with the Alliance; therefore, it decided to not join the government until there was agreement on the issues of the constitution and stressed on constitution with federalism. Congress which had stressed on national government before stayed silence at UML's attempt at national government, after which the process of formation of national government did not move forward.

Commitment to Promulgate the Constitution by January 22

Even when it looked increasingly clear that it would be impossible to promulgate the constitution by January 22 following the Interim Constitution, Constituent Assembly Regulations, and the Constituent Assembly Timetable, political parties insisted their commitment to promulgate the constitution by January 22. Constituent Assembly chairperson Subash Chandra Nemwang also started to work towards that objective. On December 7, Constituent Assembly chairperson Subash

¹ Khanal, Durga. December 2, 2014. *UML said, 'consensus government'*. The Kantipur, p1.

² Neupane, Kulchandra. December 24, 2014. *National consensus and government together*. The Kantipur, p1.

Chandra Nemwang met Prime Minister Sushil Koirala, UML chairperson Oli, and UCPN (M) chairperson Pushpa Kamal Dahal. He requested to them to prepare an environment to promulgate the constitution by January 22 even by shortening the process. The December 12 meeting of the Congress central committee decided to take the lead in promulgating the new constitution of the Federal Democratic Republic Nepal by January 22.³

UML central committee meeting also said that the constitution should be promulgated within January 22 as per the commitments made by all the parties during the elections, repeated commitments made by the parties to the people, and the timetable passed by the Constituent Assembly.⁴ Prime Minister Sushil Koirala stated that if there is no consensus among the parties the constitution would be promulgated on January 22 by following the Constituent Assembly procedures.⁵ The December 19 meeting of Federal Republican Alliance also decided to work towards promulgating the constitution within the stipulated time. UML standing committee also decided to work towards promulgating of the constitution on January 22. UML also decided to hold meeting of its cadres on January 2 in major cities to prepare proper environment for the constitution and clarify the party's instances on the major issues of the constitution.⁶ However, chairperson of the Dialogue Committee Baburam Bhattarai stated on December 10 that there is a possibility that there will only be agreement on major issues and a draft ready January 22.⁷

Dialogue Committee Report in the Constituent Assembly

There was a big dispute among the parties on what to do with the Congress-UML common proposal. UML leaders met Dialogue Committee chairperson Bhattarai and urged him to submit the proposal to the Constituent Assembly. After Bhattarai refused to submit the proposal even after repeated requests from Congress and UML, the leaders of Congress, UML, and UCPN (M) gave the responsibility to the submit the report as he saw fit. Then Bhattarai held discussions with leaders of Congress, UML, and UCPN (M), and Constituent Assembly chairperson Nemwang and submit the report to Nemwang on December 5. Though Bhattarai included the concept notes of the parties, he did not prepare a questionnaire on the disputed issues. In the report, Dialogue Committee chairperson Bhattarai stated that though the attempts to resolve the disagreement among the leaders and parties in various formal and informal meetings have been positive and are nearing the end, there has been no agreement and more discussion is needed in the Committee; therefore, the situation remains where the report with questionnaire cannot be prepared.⁸

UML chairperson Oli went further to accuse Bhattarai of submitting the report to the Constituent Assembly against the suggestions of the parties.⁹ Yet there was debate among the parties on how to

³ Press release by Nepali Congress on December 12, 2014.

⁴ Press release by UML on December 27, 2014.

⁵ *Procedures if no consensus*. December 19, 2014. The Kantipur, p1.

⁶ Press release by UML on December 22, 2014.

⁷ Press release by the secretariat of Dialogue Committee chairperson Baburam Bhattarai on December 10, 2014.

⁸ Press release by the secretariat of Dialogue Committee chairperson Baburam Bhattarai on December 5, 2014.

⁹ November 25, 2014. Kantipur TV.

take it forward. UML parliamentary party meeting suggested the leadership to follow the procedures if there is no consensus on the disputed issues. The Constituent Assembly started its discussions on the report on December 15 and Constituent Assembly members became polarised. Congress and UML Constituent Assembly members suggested to follow the procedures if there is no consensus while UCPN (M) and Madhes-focused party Constituent Assembly members urged that the report be sent back to the Dialogue Committee for seeking consensus. The 20-party Alliance meets Constituent Assembly chairperson Nemwang and urged him to send the report back to the Dialogue Committee.

Working Group Also Fails

Congress, UML, UCPN (M), and Madhes-centred parties held bilateral, trilateral, and four-party talks to find consensus on the issues of the constitution. Congress, UML, and UCPN (M); Congress, UML, and Madhes-centred parties; UML and Madhes-centred parties held several talks among them. They claimed to hold decisive talks as well. However, the outcome was almost nil. Also, UCPN (M) walked out from a meeting after a dispute in talks with UML. UCPN (M) leaders were offended when UML chairperson Oli demanded the dissolution of 22-party Alliance and threatened to follow the Constituent Assembly procedures if there was no consensus on the constitution. UCPN (M) leaders claimed that they walked after there was more emphasis on procedures than on consensus.¹⁰

Then the parties had to call another meeting to remove the developing bitterness. Prime Minister Sushil Koirala and UCPN (M) chairperson Pushpa Kamal Dahal also held separate meeting on the issues of the constitution. After no consensus was reached despite many meetings, Congress, UML, UCPN (M), and Madhes-centred parties formed a working group on December 25.¹¹ However, the working group not only failed to find consensus, it could not even enter the issues of the dispute. There was almost no progress because of the entrenched positions of Congress, UML, UCPN (M), and Madhes-centred parties.

Opposition Parties Decide to Start Protests

UCPN (M) continued its talks with main political parties and started its preparations for protests at the same time. It prepared to put forward a common concept along with the parties in its alliance and protests as well. The UCPN (M)-led 22 party alliance formed a working group to prepare a common concept on the issues of the constitution on December 5. Basically, the UCPN (M)-led alliance sought to draft the constitution through consensus. However, once it became clear there would be no consensus on the issues of the constitution and the possibility of Congress and UML going for majority voting, it decided to start its protests to put pressure for constitution-drafting. On the one hand, it decided to be flexible for consensus and on the other hand it also formed a taskforce to prepare for protests. The December—22 meeting of the UCPN (M)-led alliance made its

¹⁰ BC, Ganga and Neupane, Kulchandra. December 21, 2014. *Meeting in disarray*. The Kantipur, p1.

¹¹ The working group comprised of Congress general secretary Krishna Prasad Sitaula, UML vice-chairperson Bhim Rawal, UCPN (M) general secretary Krishna Bahadur Mahara, and co-chairperson of Sadbhawana Party Laxman Lal Karna.

protests public to pressurise for constitution-drafting. The UCPN (M)-led 30-party alliance concluded it needed to go for protests as the ruling coalition was regressive.¹² UCPN (M) central committee meeting concluded that the constitution would not be promulgated by January 22 as there was no possibility of a political consensus.¹³

Pressure for Constitution

After there was no consensus among the parties despite the leaders of the political parties stressing that the constitution would be promulgated by January 22, different organisations started programmes to pressurise the parties. Professional's Alliance for Peace and Democracy staged sit-ins in Kathmandu and different parts of the country demanding the constitution on time. The network submitted memoranda to Constituent Assembly chairperson Nemwang and UCPN (M) chairperson Dahal to put pressure for promulgation of the constitution. The Federation of Nepalese Chambers of Commerce and Industries met and urged UCPN (M) chairperson Dahal to different programmes instead of mass protests.¹⁴ Similarly, 11 students unions brought out a symbolic 'sleep rally' in the capital. Professional's Alliance for Peace and Democracy (PAPAD) and student unions conducted a street discussion programme on peace and democracy. While UML youth Constituent Assembly members met the leadership to pressurise to promulgate the constitution on time, youth Constituent Assembly members from congress, UML, RPP and other parties met Constituent Assembly chairperson and urged him to promulgate the constitution on time. Constituent Assembly members from the ruling coalition also threatened to stage hunger strikes if necessary.¹⁵ Youth Constituent Assembly members from Congress, UML, UCPN (M), and other parties organised a meeting and decided to pressurise the leadership to promulgate the constitution on January 22. After the pressure increased, Constituent Assembly chairperson Nemwang said that procedures would follow if there is no consensus among the political parties.¹⁶ Indigenous Nationalities National Movement Nepal staged a demonstration in the capital demanding not only the constitution but a constitution with identity.

Issues Settled in UML and UCPN (M)

UML and UCPN (M) had been caught in internal wrangling for a long time. However, the disputes in both the parties mellowed this time. UML selected standing committee and politburo members after chairperson KP Sharma Oli and senior leader Madhav Kumar Nepal reached an agreement. Then Oli expressed his belief that unanimous nomination of members to the standing committee and the politburo would further unite the party, help in increasing trust and faith among the people

¹² December 24, 2014. Kantipur TV.

¹³ Sapkota, Rewati. December 30, 2014. *No constitution on January 22*. The Annapurna Post, p1.

¹⁴ *Don't forget the commitments, stop protests*. December 28, 2014. The Nagarik, p1.

¹⁵ December 31, 2014. Kantipur TV.

¹⁶ Adhikari, Saroj Raj and Phuyal, Rajendra. *Otherwise Constituent Assembly procedure*. Retrieved January 4, 2015 from <http://www.ekantipur.com/np/2071/9/17/full-story/401295.html>

and capability of the party to deal with the challenges of national politics and the responsibility of drafting the new constitution.¹⁷

The dispute in UCPN (M) also resolved temporarily for the time being. Party chairperson Pushpa Kamal Dahal proposed organising party general convention and handing over the leadership to Bhattarai and Bhattarai stated he would take the leadership. He stated in a central committee meeting, 'I don't want to be happy leading a faction. I've concluded that I need the courage to take leadership. I will take responsibility for use and experimentation'. Bhattarai was supported by Narayan Kaji Shrestha. The dispute in UCPN (M) quieted down after then.

Conclusion

Congress and UML started to weaken the UCPN (M)-led alliance. If the alliance did not join the government, they tried to break the alliance itself. This raised suspicions in UCPN (M). It tried to create an environment for protests by saying that the constitution might be passed through two-thirds majority. Due to failure of the political leaders to reach a consensus, Constituent Assembly remained a spectator. The debates and discussions in the Constituent Assembly became meaningless. Despite protest programmes to pressure for constitution by January 22, it did not affect the working style and decision-making process of the leaders. It became apparent that the constitution would not be promulgated by January 22. Confusion prevailed after failure of the parties to follow the Constituent Assembly election and Constituent Assembly timetable. However, no one wanted to take responsibility for this failure. Instead, the parties tried to redeem themselves by blaming others.

¹⁷ Press release by UML on December 14, 2014.

Major Developments

December 1

- Meeting between UML chairperson KP Sharma Oli and Tarai-Madhes-centred parties. Requests to join national consensus government. Madhes parties refuse to join government until there is agreement on the issues of the constitution.

December 2

- Meeting between UML and chairperson of Dialogue Committee Baburam Bhattarai. UML leaders ask Bhattarai to submit the common concept to the Constituent Assembly.

December 3

- Meeting of leaders of Congress, UML, and UCPN (M). Request Bhattarai to submit the report using his conscience.
- Dialogue Committee chairperson Baburam Bhattarai holds a press conference. States the report to the Constituent Assembly would be acceptable to all.

December 4

- Discussion among Congress, UCPN (M), and Constituent Assembly chairperson Subash Chandra Nemwang. Agreement to send the report of Dialogue Committee to the Constituent Assembly.
- Meeting of TMLP working committee requests Madhes parties to move forward by preparing a common concept.

December 5

- Meeting of UCPN (M)-led 22-party alliance forms a taskforce to prepare common concept on the issues of the constitution.
- Meeting between UML leader KP Sharma Oli and Madhesi alliance. The alliance refuses to join the government until the constitution is promulgated.
- Dialogue Committee submits its report to Constituent Assembly chairperson Subash Chandra Nemwang.

December 6

- Meeting between UML chairperson KP Sharma Oli and president of Madhesi Janadhikar Forum (Loktantrik) Bijaya Kumar Gachhedar. Discussion on formation of national consensus government.

December 7

- Constituent Assembly chairperson Subash Chandra Nemwang holds discussion with Prime Minister Sushil Koirala, UML chairperson KP Sharma Oli, and UCPN (M) chairperson Pushpa Kamal Dahal. Requests them to create an environment to shorten the process to promulgate the constitution by January 22.
- Meeting of UCPN (M)-led 20-party alliance stresses on constitution-drafting through consensus.
- Mohan Vaidya-led CPN (M) submits a memorandum to Prime Minister Sushil Koirala demanding formation of all-party national conference for national consensus.
- Meeting of United Democratic Madhesi Front stresses on constitution with federalism and decides not to join government until the constitution is promulgated.

December 8

- Meeting of UML central committee. Chairperson KP Sharma Oli accuses Dialogue Committee chairperson Baburam Bhattarai of submitting its report to the Constituent Assembly against the suggestions of the parties.
- Meeting of Congress, UML, and UCPN (M) on the disputed issues of the constitution.
- Meeting of Congress, UML, and Madhesi Front discusses the issues of the constitution.

December 9

- Meeting of UML parliamentary party suggests leadership to move ahead by following procedures if there is no consensus on the disputed issues of the constitution.

December 10

- Meeting of Congress, UML, UCPN (M), and Madhesi Front agrees to promulgate the constitution on January 22.
- Dialogue Committee chairperson Baburam Bhattarai submits its report to the Constituent Assembly.
- Meeting between President Ram Baran Yadav and UCPN (M) chairperson Pushpa Kamal Dahal. Chairperson Dahal claims agreement within a few days.

December 11

- Meeting of UML central committee. A working group of Vice-chairperson Bhim Rawal and general secretary Ishwor Pokharel is formed to amend the party's constitution.
- Mohan Vaidya-led CPN (M) makes public a people's constitution.

December 12

- Meeting of UML central committee decides to nominate politburo members based on consensus.
- Meeting of Congress central committee decides to take leadership to promulgate the constitution on January 22.
- Meeting of UCPN (M)-led Federal Democratic Alliance decides to carry out protest to pressure for constitution-drafting.

December 13

- Meeting of UML central committee. Formation of standing committee.
- Discussion on the disputed issues of the constitution between UML and Madhes-centred parties.

December 14

- Meeting of UML central committee selects 62-member politburo.
- RRP-Nepal leaders meet Prime Minister Sushil Koirala. Demand public holiday on the birth anniversary of King Prithvi.
- Meeting of UCPN (M) central committee begins.
- Joint meeting of Congress central committee and parliamentary party suggests to seek consensus based on the Congress-UML proposal.

December 15

- Discussion begins on the report of the Dialogue Committee. Disputes among main parties on the procedures to move forward.

December 17

- Discussion on the report of the Dialogue Committee in the Constituent Assembly.
- UML party office holds a press conference. States Tarai and hills cannot be separated while demarcating provinces.
- Meeting between President Ram Baran Yadav and UCPN (M) chairperson Pushpa Kamal Dahal. Discussion the progress on constitution-drafting.

December 18

- Meeting between Prime Minister Sushil Koirala and UCPN (M) chairperson Pushpa Kamal Dahal. Discussion the issues of the constitution.

December 19

- Meeting of Federal Democratic Alliance decides to give continuity to attempts to promulgate the constitution on January 22.
- Meeting of Congress and UML decides to hold decisive talks with other parties for consensus.
- Indigenous Nationalities National Movement Nepal stages a demonstration in the capital demanding constitution with identity.

December 20

- Meeting of Congress, UML, and UCPN (M) at the residence of the prime minister at Baluwatar. UCPN (M) walks out of the meeting shortly.
- Meeting of Federal Democratic Alliance decides to be flexible for consensus in the disputed issues of the constitution.
- RPP-Nepal holds a press conference. Requests the international community to remain neutral on the issues of the constitution.

December 21

- Meeting of Federal Democratic Alliance forms a taskforce to prepare protest programmes.
- CPN (M)-led 20-party alliance meets Constituent Assembly chairperson Subash Chandra Nemwang and requests to send Dialogue Committee report back to the committee for consensus.

December 22

- Meeting of UML standing committee decides to hold public meetings in 15 places of the country to put pressure for constitution-drafting.
- Meeting of UCPN (M)-led alliance makes public protest programmes to put pressure for constitution-drafting.

December 23

- Professional's Alliance for Peace and Democracy stages sit-ins different places in the country to create pressure to promulgate the constitution on January 22.
- 11 student unions bring out 'sleep rally' to put pressure for promulgation of the constitution.

December 24

- Meeting of Congress, UML, UCPN (M), and Madhesi Front decides to focus on constitution-drafting removing bitterness.

- Meeting of UCPN (M)-led 30-party alliance concludes that protests are needed because the ruling parties are regressive.

December 25

- Prime Minister Sushil Koirala meets UML chairperson KP Sharma Oli and UCPN (M) chairperson Pushpa Kamal Dahal separately. Requests them not to engage in accusations and counter-accusations publicly.
- Congress, UML, UCPN (M), and Madhesi Front form a working group to find consensus on the disputed issues of the constitution.
- PAPAD submits memoranda to UML chairperson KP Sharma Oli and Prime Minister Sushil Koirala to put pressure for promulgation of the constitution.

December 26

- PAPAD submits memorandum to Constituent Assembly chairperson Subash Chandra Nemwang to put pressure for promulgation of the constitution.
- Meeting of UML standing committee decides to make active attempts for promulgation of the constitution.

December 27

- PAPAD submits memorandum to UCPN (M) chairperson Pushpa Kamal Dahal to create pressure for promulgation of the constitution.
- The office-bearers of the Federation of Nepalese Chambers of Commerce and Industries meet UCPN (M) chairperson Pushpa Kamal Dahal and urge him to create environment for promulgation of the constitution.

December 28

- PAPAD and student unions organise a road discussion demanding promulgation of the constitution on January 22.
- The working group comprising the leaders of Congress, UML, UCPN (M), and Front fails to find consensus on the disputed issues of the constitution.
- Meeting of UCPN (M) central committee. Chairperson Pushpa Kamal Dahal proposes to hand over the leadership to Baburam Bhattarai after the next general convention.
- UML leaders meet party leadership. Demand promulgation of the constitution on January 22 even by following the procedures.

December 29

- Meeting of Congress, UML, UCPN (M), and Madhesi Front. No progress as the parties stick to their stances.
- Meeting UCPN (M) central committee decides take talks for constitution-drafting and protest programmes forward concurrently.
- Meeting of youth Constituent Assembly members decides to put pressure on the leadership to promulgate the constitution on January 22.
- Constituent Assembly members from Congress, UML, and RRP submit a memorandum to Constituent Assembly chairperson Subash Chandra Nemwang. Pressurise to move forward by following procedure if there is no consensus.