



## Chairperson's New Proposal, Parties under Pressure

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Published date: 14 January, 2015

After Constituent Assembly chairperson Subash Chandra Nemwang asked the parties to give him the responsibility of drafting the constitution if they cannot find consensus, this created a new wave in the political circles. Though the chairperson's proposal created additional pressure on the finding agreement on disputed issues of the constitution, political parties were unsuccessful. There was no agreement even after the disputed issues were sent back to the Constitutional-Political Dialogue and Consensus committee. There were many discussions and dialogues among the parties. Despite pressure on finding consensus from various quarters, the disputed issues of the constitution still remained.

### Proposal Creates a Stir

At a time when there was no agreement among the political parties and the Constituent Assembly meetings were not effective, the Constituent Assembly chairperson Nemwang gave a 4-day deadline to seek consensus on the disputed issues of the constitution. He also asked for the responsibility to draft the constitution if there is no consensus within that time period. 'Come to a consensus. If you cannot come to a consensus, I'll untie the difficulty. Give me the responsibility. I am prepared to drink hemlock in front of the nation and people in your place,' he said while summarizing his statements in the Work Management Advisory Committee. In addition, he also submitted a written draft of the proposal to shorten the process to draft the constitution by January 22, 2015.

UML chairperson KP Sharma Oli and Congress president Sushil Koirala were positive to the proposal of the Constituent Assembly chairperson. 'Sushil ji (prime minister) and I supported the proposal of the Constituent Assembly chairperson to move forward by forging consensus on the issues of the constitution,'<sup>1</sup> UML chairperson KP Sharma Oli announced to the journalists about the discussions in the meeting. UCPN (M) and Madhesi leaders became suspicious of the proposal by Nemwang. However, UCPN (M) Pushpa Kamal Dahal said, 'There is yet time, constitution should be promulgated through consensus, we will not make the chairperson drink the hemlock alone'.<sup>2</sup>

Though they were positive in the meeting, Congress leaders also expressed their suspicion on the proposal of the Constituent Assembly chairperson. Chairperson of the Constitution-drafting Committee and general secretary of Congress Krishna Prasad Sitala stated that the proposal of the chairperson Nemwang had come without consulting him and if there was no support from all the Constituent Assembly members, his neutrality will also be suspect.<sup>3</sup> The next day, UCPN (M) spokesperson Dina Nath Sharma held a press conference and opposed the new proposal alleging that it was brought at the behest of UML. UCPN (M)-led United Democratic Alliance also opposed the proposal and decided to reject it. During the discussion in the Constituent Assembly, the members also divided into for and against the proposal. Congress and UML Constituent Assembly

<sup>1</sup> Pandey, Balram. January 2, 2015. *Give me the responsibility for the first draft*. The Nagarik, p1.

<sup>2</sup> Pandey, Balram. January 2, 2015. *Give me the responsibility for the first draft*. The Nagarik, p1

<sup>3</sup> January 1, 2015. Kantipur TV.

members were positive to the chairperson Nemwang's proposal; leaders of UCPN (M) and Madhes-based parties opposed the proposal.

After questions were raised on the role of the chairperson in constitution-drafting, Nemwang ruled that the issue be discussed. As there was clear division along party lines, Constituent Assembly members from Congress, UML, RPP, and Janamorcha met chairperson Nemwang and expressed commitment to promulgate the constitution by January 22. A meeting on the same of the Constitution-drafting Committee concluded that the draft should be prepared by the Committee itself. Chairperson Sitaula claimed that if all the details were provided immediately, the draft will be ready in seven days.<sup>4</sup> Constituent Assembly chairperson Nemwang met leaders of Congress, UML, UCPN (M), and Madhesi Front to create pressure to forge a consensus on the disputed issues of the constitution.

### Unsuccessful yet again

The political parties became active at discussions after the proposal of the Constituent Assembly chairperson. There were several meetings of Congress, UML, UCPN (M), and Madhes-focused parties to discuss the disputed issues of the constitution. Prime Minister Sushil Koirala held discussions about this with UML chairperson Oli, UCPN (M) chairperson Dahal, and Madhesi leaders. He also held bilateral and trilateral talks. However, despite this, the leaders of political parties failed to meet the deadline given by Constituent Assembly chairperson Nemwang.

Then on January 6, Congress and UML discussed the issues and held decisive talks with UCPN (M) and Madhesi Alliance. In a joint meeting of Congress, UML, UCPN (M), and Madhes-centred parties on January 7 at the residence of the prime minister at Baluwatar, leaders of Madhesi Alliance walked out of the meeting alleging UML chairperson Oli of insulting them. After the meeting, while talking to journalists, Oli had said, 'They (Madhes-centred parties) say they want all the land (level). Where else is the level land? Whose yard is wanted? Yards are also level. Are you also claiming neighbouring UP and Bihar as well, if you want all the level land you see. There is no logic in this. Unnecessary issues should not be raised'.

Sadbhawana Party chairperson Rajendra Mahato had this to say, 'While going for federalism, state restructuring involves Nepali land. There was no question of state restructuring the Indian land. Why did he talk about Bihar and UP? He (Oli) undid the environment created for an agreement'. The meeting of the Samyukta Loktantrik Madhesi Morcha on the same day decided to not sit for any talks with UML until Oli apologises.<sup>5</sup> In addition, they protested against Oli in various places of the country.

In the meantime, the discussions continued on the report of the Dialogue Committee. As the discussions continued in the Constituent Assembly without a way to move forward, a meeting of senior leaders of Congress, UML, and UCPN (M) decided to send back the disputed issues of the constitution to the Dialogue Committee. The meeting of Constituent Assembly on January 8 gave four days to the Dialogue Committee to find a consensus on the disputed issues of the constitution. Constituent Assembly chairperson Nemwang had warned then that there would be no waiting for the report if it did not arrive on time in the Constituent Assembly.<sup>6</sup> The meeting of the Dialogue

<sup>4</sup> Pandey, Balram. January 5, 2015. *We will prepare the draft in 7 days*. The Nagarik, p1.

<sup>5</sup> Press release issued by Samyukta Loktantrik Madhesi Morcha on January 7.

<sup>6</sup> Dhungana, Chiranjivi and Saud, Narendra. January 9, 2015. *No halt now even if no report*. The Annapurna Post, p1.

Committee the next day gave the responsibility to forge a consensus to chairperson Bhattarai. Then Bhattarai increased political meetings.

In the meantime, in a press conference at the party office, UML chairperson Oli claimed that the constitution would be promulgated on January 22 even amidst clamour. 'it is the common commitment of main political parties to promulgate the constitution on January 22, 2015 to institutionalize federal democratic republic and provide political stability and take the country forward in the direction of long-term peace and prosperity. This time, commitment was made by most of the parties in their manifestos during the election to the second Constituent Assembly. It was in this context that the Constituent Assembly had institutionalised it through consensus in the Regulations and Timetables; UML says—it is our legal and moral duty to keep the written and oral commitment made to the public and implement the Timetable of the Constituent Assembly. Therefore, CPN (UML) is active and determined that the constitution should be promulgated on January 22, 2015.'<sup>7</sup>

Dialogue Committee chairperson Bhattarai held separate and series of meetings with leaders, but there was no sign of any consensus. After a separate meeting between Congress and UML, they stressed promulgating the constitution on January 22 by following procedures even if there was no consensus. A meeting of the 19-party Alliance including UCPN (M) decided to not allowing the following of procedure for constitution-drafting. Dialogue Committee chairperson decided to present report stating that there was no consensus even after discussions. On January 13, Dialogue Committee chairperson Bhattarai submitted its report to the Constituent Assembly chairperson Nemwang. Dialogue Committee and Constituent Assembly member Surya Bahadur Thapa tabled the report to the Constituent Assembly meeting on the same day. UCPN (M) and Madhes-centred parties boycotted the meeting stating the meeting was called on a banda.

### **Common Stance of the Opposition**

UCPN (M)-led 30-party Alliance made public its concept on the issues of the constitution a long time after Congress, UML and other parties had made their common concept public. The concept stated that the form of governance would be mixed. 'To institutionalise the access and participation of the population in the government administration, the form of governance will be a mixed form of directly elected president and prime minister elected from the parliament. The responsibility, duties, and authority of the president and the prime minister will be determined by the constitution',<sup>8</sup> stated the common concept of the 30-party Alliance.

While the dispute was going on about federalism among the parties, the Alliance proposed a 10-state model based on the report of the Committee for State Restructuring and Distribution of State Power of the first Constituent Assembly. The proposed states were Limbuwan, Kirant/Khumbuwan, Sherpa, Tamsaling/Tamangsaling, Newa, Tamuwan, Magarat, Tharuhat/Tharuwan, Karnali/Khasan, and Madhes. The 30-party also state there is provision for special structures within the states.

Also, the common concept stated that mixed member proportional election system will be implemented to guarantee identity and proportional representation of women, Dalit, Adivasi, Janajati (mountain, hills, Tarai), backward region, Madhesi, and Khas Arya, backward and deprived classes. The coalition had proposed 235-member House of Representatives and 65-member

<sup>7</sup> Press release by UML on January 10, 2015

<sup>8</sup> Common concept on constitution-drafting made public by the 30-party Alliance on January 5, 2015.

National Assembly. The common concept also stated that to establish and manage independent, impartial, proportional inclusive justice system for easy access to justice, the Supreme Court, Constitutional Court, High Court, local courts, and provision of federal judicial commission and state commissions as per the report of the Dispute Resolution Sub-committee of the Constitutional-Political Dialogue and Consensus Committee.

### Opposition in Protests

While Congress, UML, and other parties were warning that procedures would be followed if there was no consensus, UCPN (M)-led Alliance used talks and street protests together. As the talks were continuing to forge a consensus on the disputed issues of the consensus with the prime minister and main parties, UCPN (M)-led Alliance began street protests on January 3, demanding federalism with identity and promulgation of the constitution from the Constituent Assembly. UCPN (M) chairperson Dahal stated that street protests have become necessary as dialogue cannot address the issue of transformation.<sup>9</sup>

In addition, UCPN (M) instructed its Constituent Assembly members to ready to counter in the Constituent Assembly hall if attempt is made to move forward on majority basis. The Alliance including UCPN (M) organised banda in Khasan Khaptad and Karnali on January 9, Kirant, Limbuwan, Magarat, and Tamuwan on January 11, Tharuhat and Madhes on January 12, Newa and Tamsaling on January 13. The UCPN (M)-led Alliance was also supported by Mohan Vaidya-led CPN (M).

### Pressure Continues

As the possibility of promulgating the constitution on January 22 was looking slim due to lack of consensus among the parties, Professional Alliance for Peace and Democracy, Constituent Assembly members, and various organisations continued programmes to maintain the pressure on the parties. Constituent Assembly members from Congress, UML and smaller parties met UCPN (M) chairperson Dahal and urged him to play an effective role to promulgate the constitution. Youth Constituent Assembly members decided to pressurise the leaders to follow the procedures if there is no consensus. Similarly, Society for Democratic Thoughts staged a sit-in New Baneshwor. On top of this, media-affiliated Media Society, Television Broadcaster Nepal, Broadcasting Association of Nepal, Association of Community Radio Broadcasters Nepal, and Radio Broadcasters' Forum decided to start a media countdown to put pressure to promulgate the constitution on January 22. 'To complete the peace process, institutionalise the agenda of transformation, end the transition and provide political stability for prosperity, and to ensure press freedom and rights of the citizens, it is necessary to promulgate the constitution as soon as possible.'<sup>10</sup>

### Conclusion

It was not proper for the Constituent Assembly chairperson to ask for the responsibility draft the constitution as per the procedures of the Constituent Assembly. But this was another opportunity for the parties to forge a consensus, yet they failed to find consensus. Neither did they reach a consensus nor were they ready to give the responsibility to draft the constitution to chairperson

<sup>9</sup> *Nothing will come off talks*. January 12, 2015, the Kantipur, p1.

<sup>10</sup> Press release of Federation of Nepalese Journalists, Nepal Media Society, Television Broadcasters Nepal, Broadcasters Association of Nepal, Association of Community Radio Broadcasters Nepal, and Radio Broadcasters' Forum on January 12, 2015.

Nemwang. Instead of easing the political situation, this further aggravated the situation. In addition, the Dialogue Committee also failed to forge any consensus. Without preparing the questionnaires and failing to find consensus, Constituent Assembly chairperson was at a loss as whether to form another new committee. In the meantime, the parties engaged in accusations and counter-accusations. They were under pressure to find a consensus; however, the dispute between the ruling coalition and the opposition not only removed the possibility of promulgating the constitution on January 22 through consensus but also through a two-thirds majority.

## Major Political Developments

### January 1:

- Constituent Assembly chairperson Subash Chandra Nemwang gives four days to the parties to find consensus on the disputed issues of the constitution. Asks to be given the responsibility to draft the constitution if they cannot find consensus.

### January 2:

- Differences among Constituent Assembly members on the statement of the Constituent Assembly chairperson. Congress and UML Constituent Assembly members on the one side and UCPN (M) and Madhes-centred party Constituent Assembly members on the other.
- Discussion on the disputed issues of the constitution by Congress, UML, UCPN (M), and Madhes-centred parties.
- UCPN (M) spokesperson Dina Nath Sharma holds a press conference. Alleges that Nemwang brought the proposal according to UML plan.
- RPP-Nepal organises a programme at Khula Manch in Kathmandu. Chairperson Kamal Thapa claims that Congress and UML should leave government if the constitution is not promulgated on time.
- Meeting of Professional Alliance for Peace and Democracy concludes that attempts of the youth Constituent Assembly members and the chairperson are positive to promulgate the constitution on January 22.

### January 3:

- Meeting of Congress, UML, UCPN (M), and Madhesi Morcha on the disputed issues of the constitution.
- UCPN (M)-led 30-party Alliance starts protests demanding federalism with identity and the constitution through the Constituent Assembly. Programmes in various places of the country.
- Prime Minister Sushil Koirala meets UML chairperson KP Sharma Oli, UCPN (M) chairperson Pushpa Kamal Dahal, and leaders of Madhesi Morcha. Discussion on constitution-drafting.
- Joint press conference by coordinator of Tarai-Madhes Rastriya Abhiyan Jaya Prakash Gupta and chairperson of Nepal Sadbhawana Party Sarita Giri. Declaration goes on a movement with demands including a whole Madhes state.
- Meeting of Samyukta Loktantrik Alliance rejects the demand by Constituent Assembly chairperson Nemwang to be given the responsibility to draft the constitution.

### January 4:

- Prime Minister Sushil Koirala intensifies bilateral and trilateral talks seeking to find consensus on the disputed issues of the constitution.

- Constituent Assembly members from Congress, UML, RPP, Rastriya Janamorcha and other parties meet Constituent Assembly chairperson Nemwang. Commit to help promulgate the constitution on January 22.
- Meeting of Constitution-drafting Committee of the Constituent Assembly concludes that the draft should be prepared by the Committee itself.

**January 5:**

- End of the deadline given by the Constituent Assembly chairperson to the parties to forge a consensus on the disputed issues of the constitution. Parties unsuccessful at it.
- Meeting of UCPN (M)-led 30-party Alliance decides to resist from the streets and the Constituent Assembly if they are cornered. Make public the 10-state model.

**January 6:**

- Meeting of Congress and UML decides to hold decisive talks with UCPN (M).
- Meeting of UCPN (M) parliamentary party directs to be prepared for struggle.
- Adivasi Janajati Rastriya Andolan-Nepal starts sit-in in Baneshwor demanding federalism with identity.

**January 7:**

- Meeting of Congress, UML, UCPN (M), and Madhes-centred parties at the residence of the prime minister at Baluwatar. Madhesi Morcha boycotts the meeting alleging that UML chairperson KP Sharma Oli insulted them.
- Meeting of Samyukta Loktantrik Madhesi Morcha decides to not take part in talks until UML chairperson Oli apologises.
- Constituent Assembly chairperson Nemwang holds discussions with leaders of Congress, UML, UCPN (M), and Madhesi Morcha.
- Constituent Assembly members from Congress, UML and other smaller parties hand over a memorandum to UCPN (M) chairperson Pushpa Kamal Dahal requesting him to play an effective role in promulgating the constitution on January 22.
- Society for Democratic Thoughts starts sit-in in new Baneshwor to put pressure to promulgate the constitution on January 22.

**January 8:**

- Samyukta Loktantrik Madhesi Morcha holds protests in various places in the country against insults of Madhes by UML chairperson Oli.
- Meeting of senior leaders of Congress, UML, and UCPN (M) decide to send back the disputed issues of the constitution to the Dialogue Committee.

- Meeting of Constituent Assembly. Four days to the Dialogue Committee to forge a consensus on the disputed issues of the constitution.

**January 9:**

- Meeting of Constitutional-Political Dialogue and Consensus Committee. Chairperson given responsibility for consensus. Chairperson intensifies political meetings.
- Meeting of youth Constituent Assembly members from the ruling coalition decides to put pressure to follow procedures if there is no consensus.

**January 10:**

- UML holds a press conference at the party office. UML chairperson claims that the constitution will be promulgated on January 22 even amidst clamour.
- Chairperson of the Dialogue Committee Baburam Bhattarai meetings leaders of the political parties one by one.
- Congress and UML hold discussion with leaders of smaller ruling coalition partners at the residence of the prime minister at Baluwatar.

**January 11:**

- Meeting of Dialogue Committee. Chairperson Bhattarai informs the members about the talks with the parties.
- Talks between Congress and UML. Conclusion to promulgation the constitution on January 22 even by following procedures if there is no consensus.
- Meeting of 19-party alliance including UCPN (M) decides to not allow the following of procedures on constitution-drafting.

**January 12:**

- Meeting of Dialogue Committee. Chairperson Bhattarai informs the members that there has been no consensus on the disputed issues of the constitution and the report will be submitted as such.
- Meeting of UML parliamentary party. Chairperson Oli informs that the possibility of promulgating the constitution on January 22 is slim.
- Professional Alliance for Peace and Democracy holds interaction with Constituent Assembly members.
- The 30-party Alliance organises a whistle protests to make the banda a success.
- Media-related organisations decide to start a countdown to put pressure to promulgate the constitution.

**January 13:**

- Meeting of Constituent Assembly. UCPN (M) and Madhes-centred parties absent. The report of the Dialogue Committee is tabled.
- Nagendra Kumal and Lalbabu Yadav appointed Constituent Assembly members. Constituent Assembly chairperson administers oath to them.
- UCPN (M)-led 30-party alliance and Mohan Vaidya-led CPN (M) call Newa and Tamsaling banda. General activities affected.