



Preparations to Submit Common Concept

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After the possibility of sending the report of the Dialogue and Consensus Committee on the disputed issues of the constitution to the Constituent Assembly back to the Dialogue Committee for new attempts at consensus, Congress and UML held separate discussions on whether to form a new committee or to move forward directly. As the Constituent Assembly chairperson Subash Chandra Nemwang was preparing to form a new committee as per the CA Regulations, Congress and UML stressed on tabling of the issues in the Constituent Assembly and endorsement of the same and sending it to the Constitution-drafting Committee instead of forming a new committee. The two parties decided to endorse their proposal directly after concluding that forming a questionnaire would lengthen the constitution-drafting process.¹

To do that, they had reached a conclusion that a few amendments in their common concept would be sufficient. They had concluded that moving forward by preparing questions on issues that could be agreed with UCPN (M) and other opposition parties would lengthen the process. Then, a meeting of UML parliamentary party at its office in Singha Darbar decided to submit its proposal after a few amendments. Meanwhile, in a meeting of Congress parliamentary party at the office of the prime minister at Baluwatar, Constituent Assembly members pressured the leaders to not back down in the face of intimidation and threats from UCPN (M).²

Though Congress and UML were in favour of taking the common concept forward, they left the door to agreements open. UML standing committee meeting also decided to be flexible on the form of governance if UCPN (M) shows some flexibility on federalism. UML also stated that it could be flexible on judicial system. UML had already reached an agreement with Congress on executive prime minister elected from the parliament and constitutional president, now it was ready to change its position to directly elected executive prime minister if UCPN (M) accepted pluralism and lowered the number of states. Similarly, Congress Constituent Assembly members suggested the leadership to be flexible on judicial system of UCPN (M) and Madhes-focused parties come to consensus.

Ready to Counter

After it became clear that Congress, UML and other parties would move forward by two-thirds majority, UCPN (M) became further enraged. When some UCPN (M) leaders were saying that they were ready to boycott the Constituent Assembly if it came to that, a meeting of UCPN (M) politburo decided to not boycott the Constituent Assembly. UCPN (M) had calculated that boycotting would benefit the ruling coalition. Therefore, it decided to stress on consensus but resist within the Constituent Assembly if the ruling coalition tried to forcibly move forward.

¹ *Taking to Drafting Committee*. January 16, 2015. The Kantipur, p1.

² Kantipur TV. January 16, 2015

While the ruling coalition was busy in its strategies, opposition alliance also tried to get the support of as many parties as possible. UCPN (M) and Madhes-centred parties, part of the 30-party alliance, agreed to create a front with parties and organisation outside the Constituent Assembly. In a meeting at Teku, UCPN (M), Madhes-centred parties, CPN (M), Tarai-Madhes Rastriya Abhiyan (Tarai-Madhes National Movement), and other parties decided to create a front with parties outside the Constituent Assembly for federalism with identity. It was their conclusion that there was no alternative to a united front to preserve the achievements of the past, which were at risk. At the same time, Prime Minister Sushil Koirala continued to urge the opposition parties to come to a consensus saying that he was for consensus on a win-win situation.

No Backing Down

Constituent Assembly chairperson Nemwang became ready to follow the procedures after there was no agreement among the political parties on the disputed issues of the constitution. Congress and UML wanted to take their proposal forward directly; however, Nemwang prepared to table the disputed issues in the Constituent Assembly only after forming a questionnaire committee. Nemwang was in favour of promulgating the constitution on January 22, but he stated that if there was no consensus among the parties, he would not back down from following the procedures.³ Nemwang expressed that if there was consensus among the parties, the constitution could be promulgated on January 22.

Conclusion

Though the ruling coalition stated that it would endorse its 9-point common concept in the Constituent Assembly after tabling it, there was no clear provision on such a step in the Constituent Assembly Regulations. Even after finding a fast track to shorten and the process and avoid the complexities of preparing questionnaires, the chance of Constituent Assembly chairperson Nemwang agreeing was slim. There was further problem as Nemwang wanted to form the committee first and Congress and UML wanted to move ahead directly.

The politics of conflict came to the fore as the ruling coalition stressed on following the procedures and the decision of the main opposition party UCPN (M) to counter if procedures were followed forcibly. President Ram Baran Yadav also stressed on consensus. However, the adverse political situation was neither for consensus among the parties nor an easy route to follow the procedures.

³ Kantipur TV. January 16, 2015

Major Political Developments

- Meeting of UML standing committee decides to table the 9-point common concept to the Constituent Assembly after amending it.
- In the Congress parliamentary party meeting, Constituent Assembly members stress on moving forward by submitting the common concept for a decision.
- UCPN (M) politburo meeting decides to counter if the ruling coalition moves ahead forcibly.
- Meeting of opposition parties in the Constituent Assembly and parties outside the Constituent Assembly in Teku decides to create a front for federalism with identity.
- In a talks with journalists, Constituent Assembly chairperson states that if there is no consensus, procedures would be followed.
- Prime Minister Sushil Koirala expresses surprises that despite flexibility on constitution-drafting the opposition is going for protests, urges to come to a consensus.
- President Ram Baran Yadav and Prime Minister Sushil Koirala hold talks; the president urges constitution based on consensus.