

## Congress Awareness Campaign for Peace and Constitution

*Bhuwan KC*

Published date: 9 May 2011

<http://asd.org.np/en/transition/constitution/analytical/132-congress-awareness>

The Constituent Assembly (CA) could not promulgate the constitution by the scheduled date of May 28, 2010. Then the parties extended the deadline by another year. Even nine months after extension of the deadline, the constitution-drafting process could not move ahead smoothly. There were doubts raised not only at the extension resulting from interparty conflict and mistrust but also on drafting of the constitution itself.

Though there are 28 political parties in the Constituent Assembly, the constitution-drafting process, promulgation of the constitution, and the type of constitution depends on the largest party in the CA and the role of the second largest party the Nepali Congress. While UCPN (M), having joined the peace process after its 10-year armed struggle, was in favour of transforming old values and traditions, Nepali Congress with its six-decade history and having been in power for most of the democratic period was in favour of retaining traditional democratic exercise and values. Not only in terms of political ideology and policy, but also in terms of practicality, the greatest conflict and differences was between UCPN (M) and Congress, which also surfaced during the constitution-drafting process.

During the constitution-drafting process, UCPN (M) kept bringing new proposals and Congress strongly objected to every one of them. There was also differences among other parties in the CA. however, the policy differences and distrust between UCPN (M and Congress overshadowed these other differences. As there was no consensus among political parties, election to the post of prime minister was ongoing, and claims to government was overshadowing constitution-drafting, Congress on December 31, 2010, decided to launch a three-month long awareness programme. It issued a three-page circular for the awareness programme which was an attempt to counter the policies and issues put forward by UCPN (M) and also to strengthen its organisation. The following are the issues identified by Congress on which it has differences with UCPN (M):

S.N.	Congress	UCPN (M)
1	Congress says: not accepting pluralism and attempts to qualify democracy is Mahendra tendency, which is dictatorship.	UCPN (M) has taken a stand: will not accept pluralism at any cost. Will not accept democracy without qualifying with 'people's'.
2	Nepali people want full democracy, for which republicanism has been	Going back on all the commitments made until now, UCPN (M) has said on the constitution: 'In fact, we do not

	established.	want democracy’.
3	Congress believes that fundamentals of constitution should be fixed and then the constitution can be drafted easily.	UCPN (M) is trying to circumvent the established values of democracy by inserting undemocratic provisions in the constitution as it would be difficult to directly oppose them.
4	Congress accepts the principle of an independent judiciary.	UCPN (M) has differences even on issues such as peace, human rights, press freedom, independent judiciary among others.  UCPN (M) wants to appoint the judges of the Supreme Court and interpret the constitution by a parliamentary committee, which is against the principles of independent judiciary.
5	Congress believes if any land is appropriated, the owner should be compensated.	UCPN (M) wants to infringe upon the property rights of individuals and does not want to pay compensation.
6	Congress interprets democracy as the autonomous rule of the people and wants to draft a democratic constitution.	UCPN (M) opposes democracy as bourgeois principle.
7	Congress says ‘right to self-determination’ should be well defined before inserting in the constitution.	In a country like Nepal which is encircled on all sides, UCPN (M) is advocating ‘right to self-determination’ without realising the reality.
8	Congress is in favour of parliamentary system to ensure participation of people from all regions, class, and communities to reflect Nepal’s diversity and whose representatives will be directly accountable to the communities.	UCPN (M) is in favour of a directly elected president, which in a third-world country like Nepal might give rise to an elected dictator.
9	Congress says a bicameral parliament is necessary.	UCPN (M) is demanding a unicameral parliament.

10	Congress believes the states should also be multiethnic, multilingual, and multicultural like Nepal itself.	UCPN (M) has brought forward ethnic restructuring. UML has also accepted this proposal. The proposed 14-state model is distressing. It takes neither the settlements nor resources into account. These very unscientific states will not only disrupt social harmony, obstruct development works, and weaken the country, but also lead to failure of federalisation.
11	Congress wants a mixed election system (like the present one) or direct elections.	UCPN (M) is stressing on multi-member proportional election system.
12	Congress believes such (compulsory military training) provisions will create a wrong impression in the world towards Nepal and militarise the country and jeopardise democracy. Instead it proposes skilled-based trainings for the youth to strengthen the country.	UCPN (M) is insisting on compulsory military training for all citizens above 18 years of age.
13	Congress has concluded that since the peace process will be concluded before constitution is drafted, it is unnecessary and inappropriate to mention Maoist combatants in the constitution.	UCPN (M) wants its combatants to be mentioned in the new constitution.
14	Congress is not in favour of obliterating the proud historical traditions and identity of Nepal.	In the name of 'new' and change, UCPN (M) has put forward a proposal which will erase Nepal's existence and identity. It has raised question marks over national flag, emblem, and symbols. It is irresponsibly terrorising the feelings of indigenous nationalities, minorities, and Muslims.

Congress in its circular claimed that it is not behind the delay in the peace and constitution-drafting process. 'UCPN (M) is not in favour of new constitution. It is not only delaying the

process with unnecessary proposals, it did not extend the deadline of the mechanism to resolve disputes, which has proven its intention of not wanting to promulgate a new constitution', states the Congress proposal. Despite the parties accusing each other, it was the power struggle, mutual distrust, policy differences, and party interests of the large parties in the CA, UCPN (M), Nepali Congress, and UML, who are responsible for the delay in constitution-drafting process.