

Extension of the CA Deadline

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The CA election held on 10 April 2008 gave no clear majority any party. The parties who had gone to the election with promise “to write new election in two years” were given the message to “write the constitution in consensus”. Twenty-five parties were elected to the CA. However, the party leaders focused more on party politics than the mandate of the people, which resulted in extension of the CA deadline after the constitution, could not be drafted within the stipulated timeframe.

The party leaders instead of focusing on consensus, cooperation and unity to write the new constitution focused more on the game of minority and majority to become the prime ministers and to strengthen self-centred party politics because of which the constitution could not be drafted on time, and the new constitution could not be promulgated within the period stipulated by the Interim Constitution 2007.

The first seating of the CA on 28 May 2008 declared Nepal a republic, and 15 days later, King Gyanendra left Narayanhiti Royal Palace. Despite this bloodless momentous change, there has been no change in the old mentality and culture of the party leaders and activists, and intellectuals. The pain of unbridled politics kept repeating. Intolerant and inhumane activities like reassurance, conspiracy, insensitivity, murder, kidnappings, beatings, donations, arsons became “industries”, which attacked the Nepali society. The UCPN (M) passion for arms did not abate; though the murder rates declined, industrialists, businessmen, doctors, journalists and civil society had to live under the shadow of fear. Even after 101 meetings of the CA, the new constitution could not be drafted on time.

The five days from 23 to 28 May 2009 were lost in confusion. There was pessimism all around after it became apparent that the constitution was not going to be ready, and there was still confusion until 10:30 pm on 28 May though the party leaders were busy in various meetings. While the UCPN(M) was against extending the CA deadline until the Prime Minister Madhav Nepal resigned, the NC, UML and other parties were against him resigning until the UCPN(M) start implementing the past agreements (on management/integration of Maoist combatants, ending the paramilitary structure of the YCL, return of captured land/houses and properties). The five days of political “marathon” continued between these two stands, and in the end, they agreed to extend the deadline at midnight of 28 May for another year.

Splits averted

The UCPN (M) is the largest political party in the CA, and the UML is the third largest. While the UML is a party of leftist “liberals”, the UCPN (M) still believes in the centralised government under the dictatorship of the proletariat, which is reflected in its authoritarian character and attitude. The UML is leading both the government and the “house”.

After the standing committee meeting of 28 May at Paris Danda (UCPN(M) central office), Dr Baburam Bhattarai’s camp was in favour extending the CA deadline for six months to continue to the policies formulated at the Chunwang meet (to effectively abandon the people’s war and forge relations with parliamentary parties), but Baidhya camp was against extending the deadline. At the end, when chairperson Prachanda also reached a decision not to extend the deadline, the UCPN (M) put out the condition of the prime minister’s resignation. At 9 am in the morning at the CA building in New Baneshwor, UCPN(M) CA member and Kathmandu valley YCL in-charge Chandra Bahadur Thapa disclosed that the standing committee had clearly been divided into two camps. He said, “Our standing committee members are divided into extending the CA deadline for 6 months and utilise the time and others who are against extending it in the prevailing context. Now, whatever comrade Prachanda decides, we will agree to it.”

Similarly, in the evening, some UML CA members belonging to the party leadership collected signatures demanding the prime minister’s resignation to extend the deadline, but another 62 members collected signatures in the counter-campaign in defence of the prime minister. There were clear two camps within the party regarding extension of the CA deadline. Both Jhalanath-Bamdev and KP-Madhav camps were actively involved in ousting each other immediately after formation of Madhav Kumar Nepal-led government. Therefore, Prime Minister Madhav Kumar Nepal was attacked from within the Party rather than by coalition members. The 28 May consensus not only extended the tenure of the CA for one year, but it also calmed the intraparty conflict within both parties and the parties escaped split. In the three-point agreement, the first one mentions the completion of the peace process, the second, extension of the CA deadline, and the third, formation of a national consensus government.

Extension more challenging

The leaders of three main parties saved the CA at midnight on 28 May by reaching a three-point agreement. However, the agreement is not only unclear in itself, there is also no timeline. There is no clarity by which time the points should be implemented. To complete the peace process, the first point mentions implementing the past agreements. The second one mentions the extension of the CA deadline by one year, and the third one mentions the formation of a national government, but it does not mention whether the national government should be of only the three parties or with participation of the 25 parties in the CA.

Therefore, if the constitution is to be drafted within the extended deadline, there is no alternative to a national government, which can have the agreements of all to overcome the disagreements within the CA and the constitution-drafting process can gain speed. The gist of the three-point agreement is the management/integration of the Maoist combatants, return of captured land/house,

commission on the disappeared, and ending of paramilitary structure of the YCL before forming the national government. However, the working style and desire of the leadership presents more challenges during this extended period.

What happened during the last 3 days?

26 May 2008

- Morning: Meeting between the Indian Ambassador Rakesh Sood and Prime Minister Madhav Kumar Nepal at Baluwatar.
- Evening: No agreement to extend the CA deadline in the meeting of top leaders of the three parties at CA building

27 May 2008

- Morning: Meeting between the President Dr Ram Baran Yadav and UCPN (M) chairperson Prachanda, Nepali Congress acting president Sushil Koirala, and UML chairperson Jhulanath Khanal. The Presidents suggests extension of deadline.
- Morning: Meeting between Madhav Kumar Nepal and UK's International Development Minister.
- Morning: Informal meeting of the UML standing committee at Baluwatar.
- Afternoon: the UML standing committee decides not to support CA extension unless guarantee of the prime minister's resignation.
- Afternoon: Culture Minister Dr Minendra Rijal announces an international peace prize worth US\$ 50,000 at a special ceremony in Lumbini organised by the Lumbini Development Trust.
- Evening: The UML standing committee decides to try for national consensus.
- Evening: Prime Minister Madhav Kumar Nepal addressed the religious gathering at Anandakuti Bihar on the occasion of 2554th Buddha anniversary.
- Evening: Twelve smaller parties in the CA urge the UCPN (M) not to precondition for extension of deadline and ask Nepali Congress and UML to resolve outstanding issues and start forming a national government within one week. Extension of CA main demand.
- Evening: The UML standing committee decides that the prime minister will address the legislature-parliament on 28 May.
- Night: The CA members of MJF, MJF (Democratic), TMLP, Sadhbhawana Party (Mahato) meet UCPN (M) vice-chairperson Dr Baburam Bhattarai to demand resignation of the prime minister and extension of the CA deadline, and also suggestion formation of a national government under UCPN (M). Except for MJF, other parties in the coalition government.

- UN Secretary General Ban KI-moon expresses concerns over the nearing end of the CA deadline and no agreement on extending it among the parties.

28 May 2008

- 7 a.m.: The UML parliamentary decides that the prime minister will resign only after an agreement on package deal.
- 7 a.m.: The meeting of Nepali Congress officials also decides that the prime minister will resign only after an agreement on package deal.
- 8 a.m.: CA meeting affected due to disagreement among UCPN (M), Nepali Congress, UML.
- 9 a.m.: Prime Minister Madhav Kumar Nepal enters the CA building and leaves after 45 minutes.
- 9:30 a.m.: UCPN (M) issues whip to its members to vote against extension of CA deadline unless the prime minister resigns. (In the meeting, the UCPN (M) standing committee members were clearly in two camps. Dr Baburam Bhattarai's camp was in favour extending the CA deadline for six months to continue to the policies formulated at the Chunwang meet (to effectively abandon the people's war and forge relations with parliamentary parties), but Baidhya camp was against extending the deadline.)
- 10 a.m.: The NC-UML stand of prime minister not resigning without an agreement on a package deal made public.
- 11:30 a.m.: NC Acting President Sushil Koirala enters the CA building.
- 1 p.m.: The three-party meeting could not reach a conclusion.
- 3 p.m.: Talks between the prime minister and Prachanda, but no agreement.
- NC CA member Narhari Acharya announces a separate constitution at a press conference within the CA compound.
- 5 p.m.: Senior UML leader K. P. Sharma Oli enters the prime ministers office in Singha Darbar; long talk ensues.
- 8 p.m.: NC leader Krishna Sitaula and former Member of Parliament Amaresh Kumar Singh enter CA building.
- 8:30 p.m.: The prime minister reaches the President's Office at Shital Niwas.
- 9 p.m.: Female CA members shout slogans in the CA demanding extension of the CA deadline.
- 9:30 p.m.: Senior UML leader K. P. Sharma Oli enters the CA building. First consults NC leaders, and then holds bilateral talks with UCPN (M) chairperson Prachanda.

- 10:30 p.m.: Notice of the full seating of the CA.
- 11 p.m.: The parties agree on one-year extension of the CA after the prime minister agrees to resign upon agreement on a package deal. (UCPN(M) chairperson Pushpa Kamal Dahal, NC parliamentary leader Ram Chandra Paudel, and UML chairperson Jhulanath Khanal had signed on the three-point agreement.)
- 11:15 p.m.: The prime minister enters the CA meeting.
- 11:45 p.m.: The meeting of the CA starts.
- Since an agreement has been reached, UCPN(M) CA member Dev Gurung, speaking from the rostrum, retracts the notice of disapproval registered against the extension of the CA.
- 11:55 p.m.: Law Minister Prem Bahadur Singh replies to the UCPN(M) registered notice.
- Midnight or 12: 00 a.m.: Sadhbhawana (Anandidevi) CA member Sarita Giri withdraws her notice of disapproval.
- 12:05 a.m.: Law Minister Prem Bahadur Singh proposes the amendment of the Interim Constitution 2007 to extend the CA for one year.
- 12:15 a.m.: The proposal to suspend CA Regulations 62 and 67 approved, which essentially bypassed the provision of 72-hour notice on discussion on laws.
- 1:30 a.m.: The eight amendments to the Interim Constitution 2007 regarding extending the CA for one year approved. Votes in favour of amendment got 580 votes and against 5 votes. Those against were four members of the RPP-N, and Baban Singh who had won dramatically as an independent from Rautahat and now in the TMLP.

Sources: based on news broadcast by various newspapers, radio and TV.