High-level Committee in Limbo

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High-level Political Mechanism was proposed by Nepali Congress president Girija Prasad Koirala. He reasoned that consensus, cooperation, and unity among major parties was needed to complete the constitution-drafting and peace process. He proposed the High-level Political Mechanism to that end. Koirala said that consensus, cooperation, and unity among UCPN (M), Nepali Congress, and UML for drafting the constitution.

After UCPN (M) chairperson Pushpa Kamal Dahal became prime minister after the Constituent Assembly election, the constitution-drafting and peace process did not move ahead smoothly. UCPN (M) could not take into confidence not only the Nepali Congress in the opposition but also parties in its coalition, UML and Madhes-based parties. Amidst the growing mistrust between the parties, the UCPN (M) government decided to sack the then Chief of the Army Staff Rukmangad Katuwal. The UCPN (M) government quit the government after the President upturned this decision at the request of 18 parties in the legislature-parliament. UCPN (M) stated that it had quit the government to prevent the development of two power centres.

After UCPN (M) quit the government, a non-Maoist coalition formed and Madhav Kumar Nepal became the prime minister through the majority of this coalition. UCPN (M), however, kept saying that the President's move was unconstitutional and would not take part in the government-formation process and walked out when the prime minister was being elected. Koirala had first talked about a high-level political mechanism during the election of the prime minister and while UCPN (M) was boycotting the parliament. He said in the Assembly, "The mechanism will be the key to mend the broken unity, consensus, and cooperation of the past. I am trying for a way to move forward with consensus. Now you (Maoists) are boycotting, but I going to suggest a way out of this to move ahead with consensus and that is High-level Political Mechanism. I will also be a member and Dahal also should be a member".

Koirala's statement on the high-level political mechanism was looked at in two ways: first, as an important space to complete the peace process, and second, to remain above the government and weaken the role of the government.

After Koirala's statement, there was a debate about the high-level political mechanism, and he kept talking about forming the mechanism. He seriously discussed about the mechanism with UCPN (M) chairperson Pushpa Kamal Dahal in a meeting on 27 July 2009, and Dahal also agreed to be a member of the mechanism and he said after the meeting, "We have agreed to complete the constitution-drafting and peace process, and there was a positive discussion for the formation of a high-level political mechanism."

As soon as UCPN (M) leaders had agreed to be a member of the mechanism, Koirala met Prime Minister Madhav Nepal to discuss this further. The international community was positive about Koirala's efforts, and Nepal-based UN Mission in Nepal (UNMIN) released a statement saying the mechanism would be vital for getting consensus among the parties. However, there was still difference of opinion regarding resigning from the government and forming another one. While the relationship between UCPN (M) and UML had reached a point of no dialogue, top leaders from UCPN (M), Nepali Congress, and UML had a meeting in Maharajgunj on 1 August 2009. The leaders agreed in principle to the formation of the mechanism for removing misunderstanding among the parties and to work for constitution-drafting and peace process.

A six-member working group was formed to finalise the details of the mechanism. Its members were Narayankaji Shrestha and Deb Gurung from UPCN (M), Gopal Man Shrestha and Krishna Sitaula from Nepali Congress, and Ashok Rai and Bishnu Poudel from UML. This process did not move as smoothly as the leaders had envisaged. Yet, the leaders in meetings and public programmes kept insisting on the necessity of the mechanism to resolve the political deadlock and constitution-drafting process.

Speaking at a tea party at UML party office, Balkhu, on 27 September 2009, Koirala said, "The mechanism will thwart the powers trying to put the country in peril. This will also defuse the tension from within and outside the party". On the same occasion, Dahal said that the by removing the misunderstandings the mechanism could be formed.

While Prime Minister Madhav Kumar Nepal expressed the belief that the mechanism will help remove the misunderstandings about the constitution drafting and within the party, UML chairperson Jhala Nath Khanal said that the mechanism would be helpful in resolving the interparty contradictions. At that time, UCPN (M) was continuing to obstruct the parliamentary meetings demanding correction of the President's step. Still, they kept saying the mechanism would be helpful in resolving in resolving the differences.

Though the leaders had emphasised resolving the problems by forming the mechanism, they were silent on who was hindering its formation. On 15 October 2009 in a programme in Biratnagar, Koirala accused the UCPN (M) of being the cause behind not forming the mechanism.

Mechanism formed at last

Despite mutual mistrust and suspicion, the leaders did not stop meetings. In the process of meetings, the mechanism was formed on 8 January 2010 under the leadership of Nepali Congress president Koirala and UPCN (M) chairperson Dahal and UML chairperson Khanal as its members.

"With the aim to take the peace process to a meaningful conclusion, to draft the new constitution within time, to promulgate the new constitution from the Constituent Assembly on time, to remove present political impasse, we have formed a high-level political mechanism with membership of top leaders," reads the release signed by all the three leaders. After signing the document, UCPN (M) chairperson said the mechanism would focus on taking the peace process to a meaningful conclusion, issue the constitution on time, and end present stalemate.

Though the top leaders were enthusiastic at formation of the mechanism, other leaders were not happy at the mechanism formation without specifying working procedure and authority. UML leader KP Sharma Oli had questioned whether the government would be run by the party or a mechanism formed without discussion in the party. Also, UCPN (M) vice-chairperson Baburam Bhattarai expressed that until a draft of consensus and cooperation is prepared, the mechanism would not have any relevance.

Even Prime Minister Nepal was suspicious of the mechanism which had no clearly defined working procedure and that it might become a parallel power centre. Prime minister's political advisor Raghu Panta said that the mechanism would only be effective with active help of the prime minister. There was pressure within the UML to include the prime minister in the mechanism and after it emerged in the news that the prime minister was unhappy, Nepali Congress president Koirala said that the prime minister would be included, but UCPN (M) was not positive on this.

"Since the present impasse is with the issue of the government, there is no necessity to include the prime minister. Inclusion of the one who is the cause of the impasse will not lead to a solution," said UCPN (M) chairperson Dahal in Dhangadhi speaking to reporters. While there was still dispute about inclusion of the prime minister in the mechanism, a meeting took place between Congress president and UML chairperson on January 13, 2010, which paved the way for the inclusion of the prime minister as a permanent invited member.

Working procedure and Code of Conduct

The meeting of the mechanism on January 19, 2010 formed a working group representing the three parties to draft the working procedure and code of conduct of the mechanism. The members comprised of Narayankaji Shrestha and Deb Gurung of UCPN (M), Arjun Narsingh KC and Krishna Sitaula of NC, and Bharat Mohan Adhikari and Yubaraj Gyawali of UML. Based on the draft prepared by the working committee, the mechanism approved its procedure and code of conduct in the meeting of January 22.

The working procedure included completing the peace and constitution-drafting process by ending the political deadlock; review all the processes from 12-point agreement onwards to create an atmosphere of trust between the parties, work for formation of commissions envisioned in the Comprehensive Peace Agreement and the Interim Constitution. The code of conduct included not attacking each others' cadres, not abusing, not accusing among others.

The three parties agreed that the Mechanism would meet once a week. After the working procedure and code of the conduct of the Mechanism was endorsed, the UCPN (M) stopped its nationwide indefinite strike announced from January 24, 2010. UCPN (M) chairperson had said, "Maoists appeared more positive after efforts to end the political deadlock as a result of the President's step was the first agenda. The indefinite strike from January 24 has been postponed in the hope that the mechanism will play an active role in ending the political deadlock and gaining consensus as well as work positively for peace and constitution-drafting process".

The attempts at discussing the differences seen among the parties in Mechanism were not successful. There was no agreement despite attempts at resolving the dispute arising out of the

President's move. However, UCPN (M) laid more emphasis on the Mechanism rather than their agitation movement. UCPN (M) vice-chairperson Narayankaji Shrestha had emphasised the primary role of the Mechanism in resolving differences and disputes. The UCPN (M) leaders had expected more from the Mechanism regarding the formation of Army Integration Special Committee (AISC). They had stated that the Mechanism should set the number and standards of the combatants for integration.

UCPN (M) tried to bring up the issue of an alternative to the present government. Prime minister Nepal was suspicious of the comments by UML and Congress that the issue can be discussed if there is political consensus. The prime minister expressed his dissatisfaction that the Mechanism is being used to bring down his government. However, the prime minister was pacified after being reassured by the Congress president Koirala in a meeting on February 21, 2010, that the present government will promulgate the new constitution.

In a half dozen meetings that followed, the issues of the peace process, constitution drafting, and political issues among the parties were not discussed. When there was not any substantial progress despite several meetings, the political parties sought to take the peace process forward through discussions for political consensus. They made preparations to discuss to review the implementation of the 12-point and other agreements, creation of atmosphere of trust, resolution of dispute arising out of the President's move, integration of Maoist combatants, differences in the constitution drafting, and formation of coalition governments.

A meeting was held in Godavari Resort of Lalitpur on March 2, 2010 to discuss on the above issues. UCPN (M) accused others of trying to isolate it by insisting on integration before promulgation of the constitution; UML and Congress emphasised seriously implementing the past agreements. Congress and UML had proposed among others that UCPN (M) should come up with a draft of the army integration, withdrawal of ethnic states, dissolution of the paramilitary structure of YCL.

The meeting was attended by 15 leaders including UCPN (M) chairperson Pushpa Kamal Dahal, Baburam Bhattarai, Narayankaji Shrestha, UML chairperson Jhala Nath Khanal, KP Sharma Oli, Bharat Mohan Adhikari, Nepali Congress acting president Sushil Koirala, Sher Bahadur Deuba, Ram Chandra Paudel, Ram Sharan Mahat. Congress president Koirala did not attend the meeting due to health reasons, and Prime Minister Nepal stayed away from the meeting. The parties could not reach a conclusion in the daylong discussion.

Mechanism fading

There were no meetings of the Mechanism as the health of Koirala deteriorated. Koirala urged the leaders to move forward based on consensus, cooperation, and unity. However, his advice was not heeded. The Nepali Congress president Girija Prasad Koirala died on March 20, 2010, without any agreement among the political parties.

After the death of Koirala, parties got into dispute regarding the leadership of the Mechanism. While Congress claimed the leadership, UCPN (M) claimed the leadership as the largest party. UCPN (M) claimed that it had accepted Koirala based on seniority. The Mechanism met after the death of Koirala on March 26, 2010. The meeting presided by UCPN (M) chairperson Dahal endorsed

condolence motion on the death of Koirala and decided to seek an end to the political deadlock through the Mechanism.

Another meeting was held on March 31, 2010 presided by Congress acting president Sushil Koirala. The meeting decided to promulgate the new constitution within May 28, 2010, saying that regressive forces becoming active. The meeting also decided to give continuity to the peace and constitution-drafting process and complete the nomination of the state restructuring commission. However, the parties did not pay attention to implementing these decisions.

As there was no consensus on political issues among the parties and the date for promulgating the new constitution neared, the Mechanism could not become active. Meetings took place among the three parties; however, there was no efforts to take forward them as Mechanism meetings, and Koirala-proposed Mechanism fell into shadow along with his death.

Conclusion

The formation of the Mechanism was positive in giving the transition a right direction when there was no consensus among the political parties. The Mechanism could have served as an appropriate forum to discuss constitution writing as the parties were more focused on getting the seat of power and fighting among themselves. However, the intention in forming the Mechanism did not bear expected results. In the four months of its formation, it could not achieve besides drafting its working procedure and code of conduct.

Instead of focusing on the peace process and constitution drafting, the parties tried to use the Mechanism to fulfil their own self-interests. While UCPN (M) tried to use the Mechanism for its political objectives, Congress and UML only saw it as path to gaining government seat. Congress and UML had stressed integration of Maoist combatants in the meetings. Both sides kept raising unresolved past issues instead seeking consensus out of the disagreements.

Failure to make appropriate preparations before meetings and inability of Koirala to attend the meetings due to his ill-health did not help in creating an atmosphere of trust. Other leaders did not want to hold discussions in Koirala's absence. On the other hand, the government was always suspicious of the Mechanism; especially every time UCPN (M) raised the issue of national consensus government, Prime Minister Nepal always suspected that the Mechanism was meant for toppling his government. The parties' focus on government formation overshadowed the constitution-drafting process.

Though there were differences on dozens of issues among the political parties, the senior leaders neither attended/took part in the CA meetings and discussions nor in the Constitutional Committee. Had they done so, the Mechanism would have helped resolve the differences between the parties and led to discussions on the issues to be included in the constitution. However, due to inability of the leaders to rise above personal interests and party politics, the Mechanism did not make any significant contribution to the constitution-drafting process.

Beginning and activities of the Mechanism

- Speaking at the legislature-parliament on May 23, 2009, Congress president Girija Prasad Koirala expresses the need for a high-level mechanism to seek unity, consensus, and cooperation between the parties.

- Meeting between Congress president Koirala and UCPN (M) chairperson Pushpa Kamal Dahal at the former's residence in Maharajgunj on July 27, 2009. UCPN (M) agrees to be in the mechanism.

- Meeting of senior leaders of UCPN (M), Congress, and UML at Congress president's residence on August 1, 2009 agrees to form a high-level mechanism to remove differences and take the peace and constitution-drafting process forward. A six-member working group is formed to draft a model of the mechanism.

- The High-level Political Mechanism is formed on January 8, 2010 under the leadership of Congress president Koirala and includes UCPN (M) chairperson Dahal and UML chairperson Jhala Nath Khanal.

- Meeting between Congress president Koirala and UML chairperson Khanal on January 13, 2010. Agreement to include Prime Minister Nepal as an invited member.

- The High-level Political Mechanism endorses its working procedure and code of conduct on January 22, 2010.

- Meeting of the High-level Mechanism including party leaders at Godavari Resort concludes without any agreements.

- Meeting of the Mechanism on April 1, 2010, concludes that regressive forces are becoming active and reiterates commitment to promulgate the new constitution by May 28, 2010

Objectives, working procedure, and code of conduct of the Mechanism

1. Concluding the peace process to ensure sustainable peace in the country is the main task at the moment. This issue has followed a distinct process. This Mechanism will help that process be completed on time by resolving any present and potential problems in the future.

2. The Mechanism will play an important role in resolving complexities of constitution drafting to promulgate the new constitution within the stipulated timeframe of the Interim Constitution.

3. It is not possible to complete our task without consensus between the main political parties of the country. Therefore, this Mechanism will end the present political deadlock and help move forward with consensus.

4. This Mechanism will make serious efforts to end the crisis of trust and suspicion among the main political parties in the country by reviewing the past agreements since the 12-point agreement to create an atmosphere of trust in the future.

5. Since this is a political mechanism, it will follow common approaches to resolve political complexities and problems. It will work collaborate in consensus to resolve other important disagreements and disputes regarding important issues.

Working procedure

1. It will seek consensus among the main political parties to end the present political deadlock.
2. It will form different sub-committees on different issues of peace and constitution-drafting process to assist the relevant authorities.
3. Normally, the Mechanism will carry out its meeting through a weekly meeting.
4. It will seek for formation of different commissions mentioned in the Comprehensive Peace Agreement and the Interim Constitution.
5. It will review past peace and other agreements on investigating the disappeared and making them public, return of seized houses and lands and properties among others and work towards implementing them and can form a sub-committee regarding this.
6. The Mechanism can revise its working procedure as necessary.
7. The Mechanism will take all decision on consensus basis.

Code of conduct

1. Since national consensus is the present necessity, all have to emphasise mutual consensus.
2. However large the differences, party leaders, cadres should not use degrading language in speaking and writing to make accusations or slanderous comments. Treat one another with respect and restrained behaviour.
3. No physical attack will be carried out against other parties' cadres and such activities will be controlled entirely.
4. In case of differences seen, immediate dialogue should be held between parties to try solve them.

Source: The Kantipur, January 23, 2010