

## No All-Party but Majority Government



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Only about three months after the elections to the CA II, a majority government under Congress president Sushil Koirala was formed. Congress attempted to form an all-party government with the parties in the CA, but it was not successful and formed a majority government with UML and other parties. However, relations with UML showered right in the beginning with issues of power distribution. The dispute between Congress and UML regarding the Home Ministry portfolio led to delays in expansion of the Cabinet. A few issues related directly and indirectly to the drafting of the constitution were accomplished in the meantime. But these moved in very slow speed. The demand for election of the president raised by UCPN (M) and UML died down slowly with time. UCPN (M) which had been alleging institutional vote rigging in the CA elections and demanding a probe could not raise the issue effectively in the parliament as well.

### **Seven-Point Agreement and Dispute in Home Ministry Portfolio**

After the CA election, it was near certain that Congress government along with UML would be formed. Congress attempted to form an all-party government. It consulted the parties separately and in groups on forming the government. The situation was not easy. Though the parties had insisted on a consensus government, disputes in power sharing limited the process of government formation to speeches, discussions, and meetings. The parties did not take seriously the meeting called by Congress. Though all the 30 parties represented in the CA were invited for the February 1 meeting, eight parties including UCPN (M), Madhesi Janadhikar Forum Nepal, TMLP, Sadbhawana did not attend the meeting. They were intent on remaining in the opposition rather than joining the government. After UCPN (M), RPP Nepal and Tara-Madhes-centred parties made it clear that they would not join the government, it became apparent that there would no all-party consensus government in the country. However, the parties in the opposition made commitments to actively help in constitution-drafting. After it became clear that there would not be an all-party government, President Ram Baran Yadav called for formation of majority government. Congress started the process of forming a majority government after it became certain that there would be no all-party consensus government.

There followed several rounds of formal and informal talks between the leaders of Congress and UML regarding government formation. While the talks were not going, there was the agreement between UML chairperson Jhalanath Khanal and parliamentary leader KP Oli to not join the government unless a respectable position was accorded based on the election results. As there was no package programme offered as requested by UML and if there was any delay in forming government, UML parliamentary leader KP Oli declared that UML was ready to take all the parties and form the government. Also, as it appeared as if there will be no agreement with UML on the issue of the presidency, some of the Congress leaders considered forming government with UCPN (M). Congress office bearers and talks team members concluded that presidency should not be

exchanged for the post of the prime minister and discussed the possibility of forming the government with UCPN (M).

At the end, a seven-point agreement was reached between Congress and UML on government partnership that included promulgation of constitution within one year; taking ownership of the works of the previous CA; new elections of the president, vice-president, CA chairperson and vice-chairperson, and prime minister; endorsement by the CA to give continuity to the incumbent president and vice-president; supporting Sushil Koirala for premiership by UML. Main opposition party leader in the parliament UCPN (M) chairperson Pushpa Kamal Dahal terms the agreement between Congress and UML as unconstitutional.

Though UML supported Koirala for his premiership as per the agreement, the Cabinet could not be expanded immediately. UML claimed the home ministry portfolio as per the agreement, Congress denied any agreement on that. Due to the dispute, no leader from UML was present during the oath-taking of the prime minister. UML chairperson Jhalanath Khanal and senior leader Madhav Kumar Nepal took part only as former prime ministers. Commenting on the dispute between Congress and UML, UCPN (M) leader Baburam Bhattarai said that it does not portend well for the future and everyone needs to learn from the past. After UML refused to join the government saying it had not received the home ministry portfolio as per the agreement, Prime Minister Koirala administered oath of office to Ram Sharan Mahat as minister without portfolio.

UML standing committee meeting concluded that Congress had backed out of the agreement between the two parties. Congress leaders insisted that there was no agreement to give the home ministry portfolio to UML and also that it cannot be given at all. After becoming prime minister, Congress president Koirala claimed that there was neither written nor unwritten agreement on it. Also, 25 Congress members of the CA who were also district chairpersons met Prime Minister Koirala and urged him not to give the home ministry portfolio to Gautam at any cost. They argued that giving it to Gautam would be tantamount to inviting vote rigging in the forthcoming local elections.

Then the meeting of UML standing committee and parliamentary party decided not to join the government until the agreement is followed properly. UML leaders warned that it would be unfortunate if they did not get the home ministry portfolio. Due to the dispute with UML, Prime Minister Koirala could not expand his Cabinet. There were different opinions within governing Congress as well. While president Koirala, vice-president Ram Chandra Poudel, general secretary Prakash Man Singh and other leaders were of the opinion that the home ministry portfolio should not be given to UML at any cost, general secretary Krishna Prasad Sitala, Sujata Koirala and other leaders stressed that it would not make any difference if UML was given the portfolio. Sujata Koirala said that it would not make any difference because it is time for constitution-drafting.

Congress tried all means to win over UML leaders. Prime Minister Koirala also met UCPN (M) chairperson Dahal and asked his help to give completion to his government. Prime Minister Koirala could not take any consolation after Dahal stated that their focus was on constitution-drafting

rather than government formation. At the same time, within Congress arose the dispute whether there was an agreement to give the home ministry to UML. General Secretary Krishna Prasad Sitala and Minendra Rijal from Congress were active in getting the agreement to give the home ministry to UML. However, other talks team members Dip Kumar Upadhyaya and others denied such an agreement. In the parliamentary committee meeting, Prime Minister Koirala stated that he had not asked the home ministry to be given to UML. However, UML did not budge from its stance. Home minister designate Gautam stated that UML would not join the government by becoming a wagging tail to Congress.

Though Congress insisted that it should keep the home ministry portfolio as per the prime ministerial system, UML was not convinced. Instead UML accused it of taking unnecessary issues by raising the case of failed prime ministerial system. As there was no possibility of forming a government with UCPN (M) and support from smaller parties would not amount to much, Congress became ready to give the home ministry portfolio to UML stating that a lot of work needed to be done to promulgate the constitution within one year. There arose another dispute within Congress between Koirala and senior leader Sher Bahadur Deuba regarding who should join the Cabinet. At the end of accusations and counter-accusation and after another agreement between Congress and UML leaders, Prime Minister Koirala expanded his Cabinet.

### **Election of CA Chair and Vice-chair**

After the elections to the CA, there was no agreement for power-sharing among Congress, UML, UCPN (M) and other political parties. UML had demanded a package programme with Congress, but Congress did not come up with one. Then the major parties started demanding their own positions. UCPN (M) claimed the CA chairperson and the leadership of the Constitutional Committee that finalises the draft of the constitution. UCPN (M) had claimed those positions because the third part in the previous CA had got the posts of the CA chairperson and leadership of the Constitutional Committee. UCPN (M) contended that it should get the CA chairperson and leadership of the Constitutional Committee because constituent assembly was its agenda and it was focused only constitution-drafting.

While the dispute on power-sharing was going among the political parties, President Ram Baran Yadav gave a seven-point directive including a commitment to promulgating the constitution within one year to Prime Minister Koirala. UML protested the move in the parliament as directing a prime minister elected from the parliament, a result of the president becoming an autocrat in the absence of endorsement from the parliament. Questions were raised on the authority of the prime minister. There were accusations that the prime minister had been pushed to the role of the acting executive. Minister without portfolio Ram Sharan Mahat conceded that he felt uncomfortable regarding the President's directive to the government.

After it became clear that UCPN (M) would not be joining the government, Congress and UML ignored it during power-sharing. They were more focused on keeping themselves in the centre rather than involving UCPN (M). Along this line, they decided to pick Subash Chandra Nemwang for

CA chairperson. Despite the dispute on expanding the Cabinet between the two parties, they stood together. After supporting Nemwang for CA chairperson, Congress reminded UML of the seventh point of the agreement and requested UML to join the government as soon as possible. UCPN (M) had stated that it would field a candidate if it did not get CA chairperson, but it supported Nemwang later on. Yet UCPN (M) chairperson stated caustically in the parliament that Nemwang is not a successful chairperson. Another UCPN (M) leader Baburam Bhattarai also made statements to the similar effect.

UCPN (M) leader Onsari Gharti Magar was elected to the CA vice-chairperson. CA formed Business Advisory Committee. A committee for drafting CA Regulations was also formed. The committee did not draft the regulations immediately. This led to the work of the CA not going forward. Then President Ram Baran Yadav expressed his dissatisfaction that there was no progress even three months after the CA elections.

### **Lost causes**

Initially, UML strongly raised the issue of election of the president. In public and in parliament, UML and UCPN (M) were united in this issue. UML and UCPN (M) strongly raised the issue of election of the president in the parliament. It was their view that with the new mandate, there should also be another election for the president. After being elected the parliamentary leader of UML, KP Oli had said, 'There should be election to the president and vice-president. The present CA should be allowed to elect the president and vice-president and take ownership through votes. This is a new CA and it should elect the president and vice-president. With the new electing body, holding on to the former ad hoc process is not part of democratic values'. Immediately Ram Sharan Mahat had countered, 'Election of the president and amending the constitution for that purpose is not the constitutional and political need. Oli's views are not acceptable to us. It will harm the agreement'.

UCPN (M) leader Baburam Bhattarai had said, 'As the president's tenure is about to reach 6 years, it would be better for the president himself to take initiatives for new election to institutionalise republic and democracy'. But Congress leaders and CA members had countered this argument. There was a constitutional provision for the president until the constitution was drafted and they feared that electing a new president midway would derail the constitution-drafting process. President Koirala and vice-president Ram Chandra Poudel had argued, that raising the issue of electing the president and vice-president now would be against the constitution.

The issue of election of the president raised by UML was basically tied with power-sharing. UML became flexible as talks progressed on power-sharing. At the end, Congress agreed to the endorsement of the incumbent president and vice-president through the parliament. After this, UCPN (M) also did not raise this issue strongly. The issue of electing a new president as per the new mandate slowly faded and UML and UCPN (M) did not pursue the endorsement issue as well.

The main opposition party in the parliament UCPN (M) also was not able to raise the issue effectively either in the parliament or through the streets. UCPN (M) CA member Top Bahadur Rayamajhi demanded high-level parliamentary investigation committee to look into the allegations

of vote rigging in the CA elections, alleging that this had been overlooked even when the facts were out in the open. But this had no effect. It appeared from the way UCPN (M) raised this issue of alleged vote rigging in the CA election in the parliament was just for formality.

Immediately after becoming the prime minister, Koirala had committed to holding local elections within six months and UML and Congress leaders stressed on the elections to the local bodies. UCPN (M) which had suffered an unexpected loss in the CA elections was not too keen on this. Deputy Prime Minister Prakash Man Singh also stated that the government had started the process for local elections. This caused a stir but constitutional hurdles had not been removed and there had no preparations, so there was not any progress on local elections.

### **Change of equation in UML**

After the eighth general convention in Butwal in 2009, Chairperson Jhalanath Khanal and Vice-chairperson Bamdev Gautam were usually in the same camp. On the other hand, senior leader Madhav Kumar Nepal and standing committee member KP Oli were in one camp for most of the time. There were united in the issue of isolating chairperson Jhalanath Khanal. After the issue of ninth convention and choosing parliamentary leader arose, the equation within UML started to change. While the relation between senior leader Nepal and Oli drew apart, Chairperson Jhalanath Khanal and senior leader Nepal grew closer. Oli claimed the position of parliamentary leader. The discussion in the central committee on selecting the parliamentary leader ended without agreement. In the meeting, senior leader Nepal made a case for tradition of party chairperson becoming the parliamentary leader and argued Khanal should be chosen as the parliamentary leader. Chairperson Khanal stated that breaking tradition would break the party unity. Oli accused Khanal and Nepal of trying to capture the party and urged giving opportunity to the new faces. Oli accused the two of always trying to be in leadership.

In the beginning, Gautam had stated that he would work for unanimous selection of the parliamentary leader and chairperson through the convention until the last moment. Gautam had proposed one person one term and one person one post. After there was no agreement on this with Khanal and Nepal, he shifted towards Oli.

Oli stood against Khanal for the post of parliamentary leader. Nepal supported Khanal and Gautam supported Oli, and Oli became the parliamentary leader. The main reason for the leaders' shifting position was for the posts. Khanal and Nepal agreed that Khanal would become the parliamentary leader and Nepal would become the party chairperson, and Oli and Gautam had agreed that Oli would become the parliamentary leader and chairperson and Gautam would be given either of the posts. After becoming the parliamentary leader, Oli confidently said that he would become the party chairperson and perhaps he would be elected unopposed and that he would not hold on to all the party posts as there were other colleagues in the party and that he would leave the parliamentary party leadership if he became party chairperson. This changed equation within UML also affected national politics as well. Though Congress tried not to give the home ministry portfolio to UML, it did not budge from its stance, and Congress was forced to give the portfolio at the end.

## Conclusion

The dispute among the political parties brought the mistrust among them out in the open. It gave the message to the people that instead of taking responsibility as per the mandate, the parties think that they are the only major ones and others as just supporters, and instead of working for the people, they die for power. The political parties failed to give continuity to the hope and trust of the people raised during the CA elections. The parties' focus on their own concerns rather fulfilling the commitments made during the CA elections put political accountability in the shadows.

To work as per the mandate, consensus among the parties and other processes should move ahead smoothly. The parties should have understood that without a clear majority, they should form a consensus government. The parties should have been prepared to share power based on their mandate. However, in reality, the parties got stuck in dispute whether there was any written or oral agreement. They did not fall behind interpreting such agreement to suit their needs. This gave the message that in the future there should be a clear written agreement and there should be no oral agreement. Written agreements will promote transparency and discourage the parties from interpreting the provisions to suit their needs.

Political parties' raising their own political agenda is quite natural. But it should have taken the form of political culture instead of posts and power. Raising different issues and abandoning them after gaining power/position only shows the opportunistic character of the political parties. The parties should be clear that though this might benefit in the short term, in the long term this will harm the party in the national politics. Instead of raising issues to accuse the government or the opposition, political parties should work towards finding solutions to those issues. The parties should also bear in mind that accusing others to hide one's weaknesses will not find support for their issues among the parties and also weaken them in national politics.

## Major Political Developments

### February 1

- Congress calls for all-party meeting to form a consensus government. Failure to reach consensus.
- Meeting of UCPN (M) central committee. Chairperson Pushpa Kamal Dahal chosen as parliamentary leader.

### February 2

- Congress president Sushil Koirala who had won from two constituencies decides to vacate Chitwan constituency-4 seat.
- UCPN (M) claims it should get the chairpersons of the CA and Constitutional Committee.
- UML vice-president Bamdev Gautam gives his support to KP Sharma Oli as parliamentary party leader.

### February 3

- President Ram Baran Yadav calls for majority government formation after no consensus was reached on all-party government.
- Meeting of Congress office-bearers decides to include as many parties as possible in the new government.
- Press conference by CPN (Maoist). Demands for consensus outside the CA for political way out.

### February 4

- UML leader KP Sharma Oli is elected parliamentary party leader.
- Meeting of the Business Advisory Committee of the CA. suggestion to hold election to the post of the prime minister on February 10.
- Meeting of Congress central committee gives president Sushil Koirala to form a talks team to hold consultations with other parties on government formation.

### February 5

- Meeting of the legislature-parliament. UCPN (M) registers a motion to investigate the alleged vote rigging in the CA elections.

### February 6

- Discussion between UML chairperson Jhalanath Khanal and parliamentary leader KP Sharma Oli regarding joining the government. Agreement not to join the government until respectable positions based on elections results are shared.

**February 7**

- Meeting of 33-party alliance decides to hold discussions on the contents of the constitution.
- Meeting of the legislature-parliament. UML and UCPN (M) demand immediate elections to the posts of the president and vice-president. Congress stresses on not replacing the president until the promulgation of the constitution.

**February 8**

- Talks between UML chairperson Jhalanath Khanal and Congress leader Dip Kumar Upadhyaya on government formation. UML chairperson Khanal insists on a package agreement on issues including the presidency.

**February 9**

- Seven-point agreement between Congress and UML. Congress president Sushil Koirala is confirmed to become the next prime minister.
- Congress president Sushil Koirala meets UCPN (M) chairperson Pushpa Kamal Dahal. Asks for help on his candidacy for the post of the prime minister.
- Meeting of UML standing committee decides to form government with Congress. Bamdev Gautam will lead in the government from UML.

**February 10**

- Meeting of the legislature-parliament. Congress president elected prime minister.

**February 11**

- President Ram Baran Yadav administers oath of office and secrecy to Prime Minister Sushil Koirala. Congress leader Ram Sharan Mahat is minister without portfolio. UML refuses to join the government citing failure to get the home ministry portfolio.
- Meeting of UML standing committee decides to not join the government as Congress has regressed from the agreement between the two parties.
- Outgoing chairperson of the Council of Ministers Khil Raj Regmi resigns from his post.

**February 12**

- Prime Minister Sushil Koirala states there was no agreement with UML on home ministry. UML chairperson Jhalanath Khanal warns that it would be unfortunate if the agreement is not implemented.
- Fourth sitting of the CA. Formation of Business Advisory Committee.
- UML holds consultations with CPN (ML), RPP, Rastriya Janamorcha, and other parties. Will not join the government until the agreement with Congress is implemented, from which Congress has backed out.

**February 14**

- EU declares the CA elections as free and fair.

**February 15**

- UCPN (M) states that it is ready to provide an alternative as the dispute between the governing coalition is affecting constitution-drafting.
- Prime Minister Sushil Koirala meets UCPN (M) chairperson Pushpa Kamal Dahal. Discussion on political developments.

**February 16**

- Meeting of full office-bearers of UCPN (M). Stresses on constitution-drafting, states government formation is not party's priority.
- Meeting UML standing committee decides to field former CA chairperson Subash Chandra Nemwang as its candidate from CA chairperson.
- Meeting of Constituent Assembly decides to hold elections of CA chairperson on February 18.

**February 17**

- Meeting of Congress parliamentary party decides to vote UML candidate for CA chairperson. Stresses on keeping the home ministry portfolio for itself.
- All-party meeting. UCPN (M) claims it should get CA chairperson.

**February 18**

- UML leader Subash Chandra Nemwang elected CA chairperson unopposed.

**February 19**

- CA chairperson Subash Chandra Nemwang confident that the constitution will be drafted within one year.

**February 20**

- Meeting of UML standing committee decides not to join the government until implementation of the agreement that it should receive the home ministry portfolio.

**February 21**

- Meeting legislature-parliament. UML and UCPN (M) demand endorsement of the president through the parliament.

**February 22**

- Congress vice-president Ram Chandra Poudel states that the home ministry cannot be given to UML.

- Meeting of UML standing committee. Chairperson Khanal states that it backing out of the seven-point agreement and government formation process.

#### **February 23**

- Meeting between Congress and UML. Agreement to give the home ministry to UML.
- Meeting of UML standing committee decides to join the government after getting assurance of the home ministry and implementation of other agreements.

#### **February 24**

- Congress and UML agree on sharing of ministries. Many aspirants to become ministers within the parties. Delay in selection leads to delay in expansion of the Council of Ministers.
- UML standing committee meeting in Grande Hospital decides to give the responsibility of selecting candidates for ministers from the party to chairperson Jhalanath Khanal, vice-chairperson Bamdev Gautam, and parliamentary leader KP Sharma Oli.
- Meeting of legislature-parliament. Governing and opposition parties criticise the government for weak administration. An 81-member Security Special Committee is formed under the CA chairperson.

#### **February 25**

- Prime Minister Sushil Koirala expands his Cabinet.

#### **February 26**

- UCPN (M) CA member Onsari Gharti Magar is elected CA vice-chairperson.