

# Consensus Government and Elections in Doubt

*Bhuwan KC/ Tilak Pathak*

Published date: 1 January 2013

President Ram Baran Yadav encouraged the parties to find consensus and prepare atmosphere for CA election in April-May, yet the political parties could not agree among themselves. Mainly, the coalition parties were against an alternative to the prime minister Baburam Bhattarai, while the opposition parties were in favour of exit of coalition Bhattarai government and Congress President Sushil Koirala becoming the prime minister. The role of UCPN (M) appeared to vacillate through it all.

There was no progress despite repeated extensions by President Yadav to the parties to forward a candidate for the post of prime minister. The parties kept disregarding his requests. Instead, more decisions, proposals, and conditions were put forward by the parties each time. Though they kept claiming that consensus was near, the dispute over leadership was not resolved. This further increased the distance between the parties and the possibility of election in May also diminished and the issue of reinstatement of the CA came out. The political direction of the country has not become clearer.

## **Dispute over leadership**

The parties were united in holding the elections after formation of a national consensus government, and the President had also taken initiative in this respect. However, the main dispute remained in who will lead the national consensus government. The governing coalition was in favour of turning the Bhattarai into a national consensus government by including Congress, UML, and other parties. And the opposition parties wanted the national consensus government to be led by Nepali Congress. President Yadav desired to form the national consensus government as per article 38(1) of the Constitution.

While UCPN (M) made attempts to form and lead the national consensus government by including other parties, Congress and UML rejected this proposal. Nepali Congress argued that since it had led in important moment from 12-point agreement until now, it should lead the next government as well.

At the meeting of UCPN (M), congress, and UML as the second deadline given by the President was approaching, UCPN (M) asked Congress and UML to propose a candidate for the prime minister, which was still second preferred option. UCPN still favoured turning the present government into a consensus government; the other option was to have a prime minister from other parties, and the last option was to have a government led by someone capable of drafting a federal constitution and holding the elections. On December 5, Congress proposed the name of its president Koirala to lead the national consensus government. UCPN (M) with support from Madhesi coalition put forward five conditions including a 'package agreement' to accept Koirala.

Congress and UML objected after UCPN (M) kept putting forward conditions, terming it as a conspiracy not to hold the elections in May and as an act of bad faith and opponents of agreements. The governing coalition stressed a 'package agreement' while the opposition parties focused on change of government. Congress president Koirala got irritated at various

conditions put forward by the governing coalition and other Congress leaders accused UCPN (M) of trying to capture the state. UCPN (M) responded that there had been no consensus because Congress and UML have been focused only on the state power.

The December 8 meeting of the governing coalition warned that if there were no agreement within the next six days, the Council of Ministers would be expanded. Congress again accused UCPN (M) of not wanting to hold CA elections in May and of trying to further its time in government. UML also became angry with the coalition parties and UCPN (M) and its standing committee meeting on December 9 decided not to accept UCPN (M)-led government. It accused UCPN (M) of political dishonesty and of trying to extend its government.

While Congress and UML were being accused of not wanting to hold election, the talk of an independent candidate for prime minister surfaced, and UCPN (M) central committee decided to be flexible to seek consensus for elections for May. The President expressed his sadness at the parties' not finding a consensus; however, he continued his attempts to seek consensus among the parties in his efforts to avert a constitutional crisis through elections in May. Amid warnings by opposition of protests, prime minister Bhattarai asserted that he would only step down if there were a guarantee of the elections, after which Congress had hopes of getting the premiership, which was not to be as there was no consensus and there was no guarantee of elections. While UCPN (M) kept putting up conditions, Congress did not want to compromise on certain provisions of the constitution. In the meantime, RRP chairperson Kamal Thapa accused the big parties of moving towards dictatorship and suggested that a government under the Chief Justice be formed to hold elections, but the parties paid no heed to this suggestion.

The December 15 meeting of central officials of UCPN (M) showed more flexibility and sought consensus on election-related laws, constituencies, and proportional numbers, and asked other parties to join Bhattarai-led government until formation of a consensus government, which the parties refused. There were many discussions among UCPN (M) chair Dahal, Congress president Koirala, and UML chair Khanal but there was no progress.

The leaders of the four parties had announced that there would be an agreement on December 17 and the country would get a way out. However, on that day, prime minister Bhattarai proposed that the government would be given to Congress only after making his government a consensus one and demanded agreement on guarantee of elections in May, completion of the peace process, formation of commissions, appointment to constitutional bodies, amendment to the election laws among others. He further proposed that if there was no agreement for government under Congress, it should be formed under Madhesi coalition or other smaller parties.

The politics of consensus took another turn after this. A meeting of officials of Congress concluded that this demand by prime minister Bhattarai had disturbed the atmosphere for consensus. Congress claims that Koirala and Dahal had to issue laws related to elections in May through ordinances, giving a full shape to the Election Commission, and on 240 seats through direction election to the CA. On the same day, United Democratic Madhesi Front (UDMF) concluded that it would not accept any consensus without its agreement, and directing its comments towards Congress, it stated that a leader from a party opposed to federalism with identity and inclusion would not be acceptable to it. In addition, it stated that it would not accept the leadership of someone who had opposed to 8-point agreement of 2007 and 4-point

agreement with UCPN (M). Congress and UML had been opposing the 4-point agreement with UCPN (M). On December 19, senior UML leader Nepal accused that the atmosphere for consensus had been ruined because of obstinacy of the prime minister.

### **Dispute in UCPN (M)**

Within UCPN (M), Dahal was in favour of handing over leadership to Congress, while Bhattarai was opposed to it and he did not attend the December 19 meeting of party officials. The meeting decided to give primacy to formation of government based on consensus. Dahal wanted to form a government that would give take the responsibility of tasks completed by the former CA. Bhattarai instead wanted to form a consensus government under his leadership with participation from Congress and UML and resign only after declaring the dates for the elections. On the same day, a meeting of Federal Democratic Republican Alliance concluded that the present government should be turned into a consensus government or an alternative should be sought from within the Alliance; the meeting was also attended by Dahal. The prime minister claimed he was not an obstacle to consensus and had agreed as per the decision of the ruling coalition and the party.

Bhattarai claimed that a package agreement was as per the decision of the party and the ruling coalition and his resignation would leave a constitutional vacuum. He also claimed that his intention to resign on November 22 was stopped by Dahal when Dahal had been saying that he could not get Bhattarai to resign. This further fuelled the dispute in the party. In an extended meeting of party officials on December 21, Dahal stressed on a consensus government as the situation was getting critical. Prime minister insisted that Congress and UML should join his government for a while. At the same time, UDMF also insisted on a package agreement with a guarantee of elections in May. The meeting sought a respectable exit for the government.

However, Bhattarai did not quit government. He had the support of the Forum and Federal Democratic Coalition and goodwill of the international community. As there was no consensus among the three parties, UDMF brought forward a 9-point proposal. The proposal seeks to turn the present government into a consensus government or a find a leadership from within the ruling coalition, all the agreed issues in the former CA to be presented to the new CA for endorsement and disputed issues to be presented for discussion, automatic removal of the prime minister if elections are not held on time, among others. The meeting of the Coalition on December 23 got into a dispute on whether to change the present government. Dahal proposed changing the government if there is a package agreement. However, leaders of Forum and smaller parties objected to it.

The prime minister challenged the opposition parties to form a government of smaller parties and independent persons. His stance was also helped by the meeting of the Democratic Republican Coalition, which has raised questions over coordinator Dahal and his decision-making capacity. Dahal also appeared helpless in providing a political outlet. Then Bhattarai claimed that there was the international practice of the incumbent government holding the elections. He also asked the parties to join his government. However, a meeting of regional officials of Congress concluded that the party should lead the government and only then go for elections. The possibility of elections diminished in the lack of agreement among the parties. The Election Commission also demanded at least 120 days for election after the declaration of the date, filling the vacancies in the Commission, amendment of election laws.

A meeting of Federal Democratic Republican Coalition on December 25 concluded that the CA should be revived to seek a way out of the political impasse and promulgate a constitution based on agreed issues or CA should be revived to amend the constitution. In addition, it also decided that Bhattarai-led government should be formed or an independent candidate for prime minister should be proposed. Opposition parties and the media opposed the decision. It also decided to keep all options open as the Election Commission would fall vacant on January 9, 2013. After it became apparent that Koirala could not become prime minister, he stated that he had put his candidature at the insistence of UML and UCPN (M).

### **President's concern over the failure of the parties**

The parties were unable to give a name for prime minister as asked by the President. The President also held discussions with leaders of the parties in the meantime and put pressure on them in meetings and through public events. The President was following article 38(1) of the Interim Constitution, and he was not going to budge from his position and he kept extending the deadline. He also expressed that it will also be his failure if the parties cannot come to a consensus and will be a setback to the accomplishment of the people. He asked the parties to reach an agreement before his India trip but they failed and instead blamed one another.

The President had given the parties until January 4, 2013, to find a consensus and select a prime minister and select form the council of ministers. However, after repeated failures on the part of the parties, questions were raised on the initiative of the President himself. CPN (Maoist) chairperson accused the President of making a mistake by continuously extending the deadline for the parties. Even the Congress leaders who had been prompting the President to take further steps also started their dissatisfaction at the President's role.

### **Conclusion**

UCPN (M) chairperson was very clever with the opposition parties. Though he appeared ready to give the leadership of the government to Congress for consensus, but all the time he was trying to seek a consensus for government under Bhattarai. When that did not materialise, he asked Congress and UML to join the Bhattarai-led government even for a while. After the parties blunt refusal, he sought to form a national consensus government through a package agreement. However, when Bhattarai refused to quit government until the parties who had been opposing him joined his government, any agreement among the leaders was in danger. Bhattarai had become powerful through the support of the Federal Democratic Republican Coalition and UDMF, and Dahal was criticised within the Coalition and it appeared he did not have decision-making role within the party. Congress and UML leaders were not able to discern the attempts by Dahal to extend the government by engaging in dialogues with parties, coalitions, opposition parties, government, and the President.

Though the President Yadav had become active in preparing to end the national political crisis through election, the net results was zero. After no concrete results despite his repeated meetings with the party leaders, questions were raised on the president's image. His public criticism of the parties helped neither the parties' nor his own image. In the absence of a consensus, there has been no atmosphere for election in May nor is the political direction of the country clear.

(This is a summary translation. For more details, please download the Nepali version of this article at [http://asd.org.np/download/monthly\\_updates/update\\_jan\\_1.pdf](http://asd.org.np/download/monthly_updates/update_jan_1.pdf)