

The Constitution Making Process of Naya Nepal

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Highly ambitious - tremendously challenging

Since several weeks, the Nepali people are exercising a very special form of direct democracy: Teams consisting of representatives of the Constitution Assembly are travelling in every district of the country to interview common people on their expectations for the new constitution that shall be installed in 12 months time from now, at beginning of the Nepali year 2067 - an astonishing achievement and a tremendous challenge at the same time, after ten years of armed conflict and the peaceful popular movement of 2006.

At present, world-wide there are around two hundred different constitutions in place of which every second one was created or revised in the last 25 years, quite many of them being employed after violent local conflicts. The key lesson learned from many countries is that drafting and wording the constitution can foster reconciliation and ultimately sustainable peace, if only enough attention was paid to the process itself. The process adopted is often equally important if not more important than many details of the constitution itself.

High hopes in a participatory approach.

In Nepal too, the extensive participation of the people on the constitution making process is considered a crucial step towards sustainable peace, after the country struggled through a decade-long armed conflict.

There are high hopes that people of all ranks and ethnic groups of the society develop ownership for the Nation's sake if they feel invited to express their opinion. In the past the people generally assumed that the constitution is given to the country by the political elites and that the constitution creates the democracy, e.g. the US constitution. Today, it is widely recognized that if a constitution shall form the backbone of a democracy, it has to be drafted in a democratic process and involve the broadest possible participation of all social classes.

The Interim Constitution of Nepal has stipulated the time-frame of two years and a maximum extension of six months to formulate the new constitution after the election of Constitution Assembly (CA) which was held in April 2008.

Halftime review

Now it's halftime and undoubtedly the right moment to review the achievements of the first twelve months. The setup with a rather large assembly of 601 representatives responsible not only for drafting the constitution but also functioning as the interim parliament and thus being deeply involved in forming the Government and carrying out the regular day-to-day parliamentary business has proven extremely ambitious.

It is only very recently, that subcommittees such as the Constitution Drafting Committee, the Human Rights Committee, or the Natural Resources

Committee were formed. These committees formulated over 60 pages of questionnaires to collect the people's opinion. These forms were printed in around 3.4 million copies for the CA members to structure their interactions with the public.

A logistic miracle

Out of the 601 CA members, 40 teams consisting of representatives with varying party membership were formed. In March 2009 the teams were deputed in all 75 districts to conduct structured interviews with the common people. The teams were given strict rules and schedules for their interactions. In every VDC (village development committee) 45 copies and in all wards of each municipality at least 10 copies of the questionnaire were distributed. Additionally, all political parties, the civil society and many communities of specific interests were invited to submit their opinions and suggestions to be incorporated in the New Constitution.

According to the CA Secretariat, the first phase of the public consultation is now completed. In a next step the feedback and reports of this survey will be analyzed by the Constitution Drafting Committee in close cooperation with a technical support team that is challenged to handle the sheer mass of information. The resulting second draft of the constitution shall then be discussed in the CA before another consulting round with the public is scheduled for