



Constitution Building e-Bulletin

A quick and easy way to update yourself on the latest CCD news.

Dear friends,

Please find below a new communication tool, the Constitution Building e-Bulletin, Volume 1, No. 1, 2010. It contains information and resources of interest and relevance to those working in the field of Constitution Building in Nepal, as well as other citizens who are interested in keeping up to date on the fast-moving events in Nepal's progress toward a new constitution. The update is developed in conjunction with partners, including the Constituent Assembly (CA), the UN, donors, media, CSOs, INGOs and others. This information will also be posted on the Centre for Constitutional Dialogue (CCD) web site for easy access. We encourage you to share any helpful resources and information with the CCD media team for inclusion in future updates and on the website. Please forward your information with necessary attachments and web links to info@ccd.org.np.

We hope that you will find this e-Bulletin interesting and helpful.

Sincerely,

Centre for Constitutional Dialogue (CCD)

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An Update on Constitution Building (CB) in Progress

Introduction:

The final push to complete Nepal's new constitution is on! This historic document will be more democratic and more inclusive than any previous constitution. Despite gloomy predictions from some quarters, the Constituent Assembly (CA) (the most representative body in Nepal's history) is poised to complete the historic document within months. During the past month, all of the Concept Papers for each of the Thematic Committees have been discussed among the members of the CA.

Early in the process, the CA prepared for the process by organizing 10 Thematic Committees that were each responsible for a specific part of the draft document. Each committee of CA members was assigned to write a Committee Report that provided the information they thought should be in the new constitution. The Constitutional Committee (CC) has the responsibility to condense all of the papers into one draft Constitution that includes all provisions not later than 5 March. The CC has two responsibilities – 1st, to develop a thematic report as a part of thematic responsibility and 2nd to compile all of the 10 thematic and the constitutional committee reports to create a first draft of the Constitution. The CC has formed a ten-member sub-committee, headed by Barsha Man Pun, to recommend a preliminary table of contents for the new constitution.

See the CCD Website under, "Resources" for the names and chairs of the Thematic Committees and the concept papers for each of the committees. For those of you who don't have time to read each of the papers, we have prepared below the areas of agreement and the contentious issues, yet to be resolved. This summary is also on the website under, **Constitution in Progress**.

The High Level Political Mechanism (HLPM), widely covered in the newspapers, consisting of the top leaders of the largest parties (i.e., UCPN-Maoist, UML, and NC) has so far not been involved in finding compromise solutions. It is anticipated that the top leaders will be brought into the process very soon. The timeline is increasingly tight, but the formal deadline of 28 May remains unchanged.

Areas of Agreement

When the CA Committees were set up in January 2009, Terms of Reference (TOR's) were specified for each Committee. **Of 68 issues enumerated in these TORs, 63**

have already been resolved and have been incorporated into draft provisions of the concept papers/Committee Reports. Although there are significant areas of disagreement between the members of some of the committees, there is much agreement among the members on most important issues. For example, areas of agreement include:

- Full right to **self-determination** for every province and local government for political, economic, social and cultural development, limited by national integrity and unity
- Possibility for **referendum** on any issue of national importance upon 2/3 majority decision of the federal parliament
- Nepal is a **multi-ethnic, multi-lingual, multi-religious, federal, democratic, republican, secular, inclusive** state with full proportionality, free from any discrimination
- **Citizenship**: equalization of paternal and maternal sides; transgender rights;
- **Non-discrimination and equality**: special arrangements for positive discrimination;
- **Cultural and educational rights**: for every person, family and community
- **Free Public Education** through high school (Grade 10)
- **Religious freedom**: to accept or not accept, profess or practice; renounce or convert, associations and schools, and management of places.
- **Equality of languages - respect for linguistic and cultural diversity**:
 - **Nepali** in Devanagiri script to be **official language** of Central Government (“for now” – until Language Commission recommends otherwise and law is passed); Provincial parliaments to decide on poss. additional languages to be official in Province and in local bodies; Province may use own languages vis-à-vis central level; Provinces may agree to use other languages between themselves
 - **Nepali** to be language of **court proceedings**
 - Everyone entitled to **use their mother tongue** for public services and at court (concerned bodies must provide translation services)
 - Right of each **community to education in the mother tongue** [*not stated what level*], right to protect, maintain and practice its culture, and script
 - **Commission on Language** to be established (with representation of Provinces)
- **Inclusion and diversity**:
 - **Indigenous groups** to have right to their identity and respectful access to natural resources on the basis of their dependence on such resources
 - Right against **untouchability** and **caste discrimination**: no discrimination shall be made on the basis of caste, ancestry or community, and expressions based on hatred or justifying social discrimination shall be banned; however, policy of positive discrimination to be pursued by the State; special rights to women and Dalits
- **Economic and social policy**:

- State to **distribute resources** available in Nepal on the basis of social justice to remove all kinds of economic and social inequalities
- **Social justice**: Each individual has “right to develop personality, fair dealing from others and equal access to resources of the state”;
- **Social security**: for single women, elderly, disabled, impaired, helpless, and tribes
- Relief, recognition and rehabilitation for **conflict martyrs** and their families
- Commissions as in the Interim Constitution (IC) , (i.e., Commission for Investigation on Abuse of Authority (**CIAA**), (Federal) Public Service Commission (**PSC**), (Federal) Election Commission (**EC**), and (Federal/National) Human Rights Commission (**HRC**) are listed as constitutional bodies. The Auditor General (in the IC) will be transformed into a (Federal) **Audit Commission** (AC)
- Six new commissions: (Federal) **Women’s** Commission (WC), (Federal) **Dalit** Commission (DC), (Federal) **Indigenous** (Adivasi Janajati) Commission (AJC), (Federal) Commission for the Protection of the Rights of People with **Disabilities, Minorities, Marginalized** Groups and from Backward Regions (DMMC), (Federal) **Madhesi** Commission (Ma C), and a (Federal) **Muslim** Commission (Mu C)
- The Committee Members agreed that there should be a democratically elected parliament serving as legislative body at central level.
- The Committee draft suggests that there be a **House of Representatives** (151 Members) However, there is dissent on establishing of bi-cameral legislature containing a second house, known as a National Assembly (51 Members)
- The 151 Members of the House of Representatives would be directly **elected** every 5 years. 76 MPs through “direct election in 76 constituencies” (comment: although not stated, this presumably means some form of majority-based system), and 75 by proportional representation.
- **Legislative procedure**: Draft bills can be introduced in both houses, except Finance Bill (only HoP). To become an act of law, a bill must be passed by both houses. The National Assembly however has only 15 days to react on the Finance Bill: if not returned within that limit, the HoP can proceed without the NA. The NA otherwise has two months to send a bill back to the HoP with recommendations (or reject it), and the HoP can overcome any NA concerns with another simple majority of all members.
- There has been an apparent agreement on a **quota for women**. However, the details are not clear. The draft includes that “a minimum of 1/3 of the total number of candidates nominated” must be women. The text on **provincial parliaments** (“1/3 of members of provincial parliaments shall be women”) is much clearer.
- The **Committee** also agreed that either the **Chairperson or the Deputy** of both houses must be a **woman**.
- The Provinces are to have **unicameral parliaments** with 35 Members each – 18 “directly elected” and 17 elected through a proportional system.

Contentious issues

The key issues in the current debate relate to the forms of government, the electoral system, the boundaries of federal provinces, „preferential rights“, the independence of the judiciary and arrangements for the transitional period after the promulgation of the new constitution.

- **Form of Government:** Maoists favour a directly elected President heading an all-party Government with a single chamber of parliament. NC/UML favour a parliamentary system led by a prime minister with a president indirectly elected by a bi-cameral parliament and the provincial assemblies. Terai Madhesi Madhese Loktantrik Party (TMLP) favour a Presidential System where the president is elected from members of parliament, who will be the head of state, the government and be Chief of the Army.
- **Elections:** The Maoists favour a winner-takes-all system of elections at the federal and provincial legislative levels with quotas for the large community groups. NC/UML favour the system adopted for the 2008 elections - a combination of first-past-the-post and proportional representation. TMLP favours the mixed-electoral system.
- **Judicial Appointments:** The Maoists seek a role for Parliament while other parties and the legal-judicial establishment strongly advocate for the current structure and practice.
- **Provinces:** The names, numbers and boundaries of the future provinces represent an intractable element of the current debate.
- **Proportionality:** Guarantees of proportionality for ethnicities/castes, regions, and genders figure in the preamble as well as in provisions addressing fundamental and minority rights, political structures and the electoral system. The reach of these principles is uncertain. For example, will the right to proportional representation for women be applied to only the party-proportional race of a mixed electoral system (as it was done in 2008 when it produced a CA with one-third women) or will it also apply to the first-past-the-post component, guaranteeing 50% of the seats to women? Such questions are likely to emerge once the detailed consequences of different models, systems and provisions have been thoroughly analysed and are well-understood.
- **Other:** There are also potentially contentious issues that the Concept Papers have so far avoided or underemphasized. These include the management of the transition to federalism, the details regarding the so-called Special Structures (i.e. Autonomous, Protected and Special Regions), and security sector issues.

Progress to Date

- CA members have made significant efforts to complete the 11 Concept Papers, including
 - forming 47 sub-committees and 18 taskforces,
 - holding 682 committee meetings (127 by the Committee on State Restructuring and State Power Division, alone),

- producing reports totalling 2,933 pages, the longest of which was produced by the Committee on Fundamental Rights and Directive Principles (560 pages),
- Adopting two reports by consensus, while putting 9 others to a vote.
- The work of the CA has shown a commitment to inclusion.
 - 4 of the 14 Committees were chaired by women
 - 5 Committees were chaired by Janajatis, including two Tharus and one Newar, five by Brahmins, including one Terai Brahmin, and four by Madheshis including one Dalit

What's Happening at the Centre for Constitutional Dialogue (CCD)

The month of February has been busy at the CCD. On 3 February, one of the foremost experts on international elections, Kare' Vollan, presented on the, **"Future Election System in Nepal."** The presentation was attended by CA members, CSO representatives, internationals and other Nepalis interested in the next Nepal elections after the new constitution is drafted. See the CCD Website for his presentation, along with his power point presentation.

On 10 February a half-day workshop was conducted on, ***"Transition and Implementation: Setting the Agenda - The Challenges to Roll Out the Constitution after May 2010"*** to initiate dialogues and deliberations among the key institutions and



concerned authorities on the preparation for implementing the new constitution and to make clear and planned approaches for a smoother transition into a new federal structure. The workshop engaged representatives from Ministries, National Commissions, donor agencies, diplomatic missions, research institutions, academia, CSO's, local government associations

and individuals of prominence and expertise involved in policy advocacy. For a summary of the key issues raised in this workshop, **refer to the CCD website under, "Events."**

The programme concluded by highlighting five key points to be considered while moving to a new federal structure and in managing the change process:

1. Though skeptical about the timely formulation of the new constitution, people have tremendous aspirations for it. Given the situation, the CA members need to be cautious that the new constitution is inclusive, respects/fulfills/protects the rights of its people and reflects voices of Dalits, ethnic and indigenous nationalities, excluded women, minorities and the marginalized communities.

2. This is not the first time that Nepal will experience transition. It has gone through several transitional phases in the past. And, the lessons learned from those periods should be incorporated and replicated for effective implementation of the new constitution. Models from other countries should also be studied to manage the transition phase.
3. The transition period can get stretched to years following the promulgation of the new constitution. In order to manage the service delivery, people's aspirations, administrative tasks and other related operations, there needs to be a formation of some independent body, mechanism or commission guaranteed by the constitution to facilitate the managerial tasks. Similarly, an independent high level mechanism is crucial in monitoring and supervising the transition period.
4. There is a need for greater political will and commitment from the leaders of the political parties for stability and sustainability of the peace process. The political leadership should be strong, accountable and people centered.
5. The international communities are ready to support the change process, provide technical assistance and expertise for a smooth transition, though the process will be locally driven. However, they require a good strategic plan for this and the political leaders should be able to offer them such plans and vision to manage the transition process.

The SPCBN Civil Society Outreach Project conducted a **"Refresher for Master Trainers"** on 15-17 February in Dhulikhel. Thirty-five participants were from 18 NGOs that received 2nd Phase Outreach grants to conduct Constitutional Dialogues on the draft Constitution in districts across Nepal. The objective of the training was to make the master trainers effective in training facilitators on aspects of the draft constitution so that the dialogues with people in the districts would be successful in making people aware of the contents of the constitution and to allow them to analyze whether the people's expectations were met by the new constitution.

Collecting People's Views on New Constitution

Chitwan, Even as Constituent Assembly (CA) members and political parties in Kathmandu are busy delving on the nitty-gritty of the new Constitution, many people in Chitwan, 160-km south of Kathmandu, are hopeful that the new Constitution will be formulated on time and will address their issues of concern.

"People have very high expectations from the new constitution," says Mukunda Dahal, a 40-year-old human rights activist. "People want their voices to be heard and their rights duly guaranteed in the new constitution." Despite the delays in the constitution making timeline, people still have high hopes that the leaders of the political parties will

complete the new constitution on time and thus fulfill people's expectations, believes Dahal.

But there are also others who are more skeptical that the new constitution will be promulgated on time. Many people, especially in Chitwan's villages and rural areas, also wonder whether the new constitution will guarantee them access to basic necessities of life such as food, education and employment, issues that affect them most.



“During earlier public consultations, we told CA members that the nine wards of Bachauli VDC need, above all, better roads and irrigation facilities,” says Jiyan Mahato, a 57-year-old farmer from Bachauli VDC-5. “If the new Constitution is for the people then our concerns should be addressed.”

Not surprisingly, people from different socio-economic backgrounds have differing views about what they expect of the new constitution. People living under the poverty line, for example, often question whether constitution promulgation will ultimately make a difference to their lives.

Twenty-four old Bhim Kumari GC of Palumpur village is a victim of domestic violence and has taken her case to the Court. She is angry with the world for making her fend for herself. “The new Constitution should ensure that no woman will be a victim at the hands of their husbands and in-laws,” she says.



Urban educated people, by and large, readily acknowledge the CA lead lively and intensive discussions with the people during the first CA outreach phase in early 2009. But many question whether these views will be adequately incorporated into the draft constitution, scheduled to be released in March 2010.

Durga Thapaliya, a lawyer, emphasises CA members must be ready to answer queries of the people during the second phase of public consultation which will follow the release of the draft constitution. “They will ask how many of our suggestions have been

incorporated in the draft Constitution,” she says. “Answers to this question in particular will be crucial in getting acceptance from the people.”

Maheswor Neupane, Chief District Officer in Bharatpur, said that Chitwan has seen active participation of the people in the constitution making process but expressed concern that the initial period set aside by the CA for public consultation has now been reduced from three months to three weeks. “We need to ensure maximum participation of the people in the next outreach phase as people have high expectations and want their voices heard,” says Neupane.

It is expected Chief District Officers will play a key role in coordinating discussions between CA members and their constituents during the next CA outreach phase. They will also be charged with ensuring local political parties, civil society, media and others have the opportunity to comment on the draft constitution. Neupane says he stands ready to support this critically important process and is eagerly waiting for the CA outreach action plan to get approved and implemented.

Interview with Mohamaddi Siddiki, Woman CA Member

शान्त र हँसिलो स्वभावकी सँधै सकारात्मक रहने पचास वर्षीया मोहम्मदी सिद्दिकीको जन्म र विवाह मुस्लिम परिवारमा पश्चिम नेपालको बाँकेमा भएको हो । तर उहाँ महिलाका लागि अधिकारमा बन्देज लगाइएकामा सँधै प्रश्न गर्नुहुन्थ्यो । घरधन्डामा व्यस्त रहँदा पनि उहाँले पतिमाफत् राजनीतिसम्बन्धी चासो राख्न कहिलै छोड्नु भएन । त्यसबेला उहाँका पति बाँकेमा सक्रिय राजनीतिकर्मी हुनुहुन्थ्यो । उहाँले प्रजातन्त्रका लागि उहाँका पतिको साहसिक प्रयासलाई सहयोग गर्नुभयो । उदाहरणका लागि २०४६ सालको जनआन्दोलनका बेला उहाँले राती-राती पतिका कार्यकर्ताहरूका लागि काला झण्डा बनाइदिनुभयो । तर उहाँको राजनीतप्रतिको रुची यतिमै समाप्त भएन । उहाँका पतिको निधनपछि उहाँले २०५४ सालको स्थानीय निर्वाचनमा प्रतिस्पर्धा गर्नुभयो र नेपालगन्ज नगरपालिकाको वडा सदस्यसमेत हुनुभयो । बुर्काभित्र रहने महिलाहरूलाई बाहिर ल्याउने अभियानको शुरुआत गर्दा धार्मिक नेता र समुदायका वरिष्ठ सदस्यहरू उहाँसँग राम्ररी बोल्दा पनि बरु उहाँमाथि आक्रमणको प्रयास भयो । उहाँ कहिलै पनि हतास हुनुभएन र अन्ततः सन् २००४ मा फतिमा फाउन्डेसन-नेपाल (महिला र बालबालिकाहरूका लागि) को



स्थापना गरी स्वतन्त्रताको आफ्नो बाटोमा लाग्न सफल हुनुभयो । शुरूमा यस संस्थाको स्थापना मुस्लिम तथा सामान्य सेवा सुविधाबाट बञ्चित समुदायका महिला र बालबालिकाहरूको कल्याणसम्बन्धी मुद्दाहरूलाई सम्बोधन गर्न भएको थियो । सो संस्थाले मुस्लिम र मधेसी महिलाहरूको सामाजिक न्याय र आर्थिक विकासका लागि निर्णायक तहमा वकालत गर्नुका साथै बाँके र बर्दिया जिल्लाका मुस्लिम महिला र बालबालिकालगायत बाँके र बर्दियाका अन्य सीमान्तकृत समुदायहरूबीच जनचेतना जगाउने काम गरिरहेको छ । मुस्लिम महिलाको सशक्तीकरणका लागि पुर्याउनु भएको योगदानका कारण उहाँ नेपाली काङ्ग्रेसको तर्फबाट समानुपातिक प्रतिनिधित्वमार्फत् संविधानसभामा सदस्य हुनुभयो । प्रतिष्ठित अशोका फेलोसिप प्राप्त सिद्धकी हाल महिला ककसको अध्यक्ष पनि हुनुहुन्छ ।

प्रस्तुत छ संविधानमा महिला मुद्दासम्बन्धी वर्तमान गतिविधिहरूबारे रोजी कट्टेलले उहाँसँग गर्नुभएको कुराकानी:

प्रश्न : अहिले केमा व्यस्त हुनुहुन्छ ?

उत्तर- नयाँ संविधानमा महिलाका मुद्दाहरूलाई कसरी सुनिश्चित गराउने भन्ने कुरामा हामी अहिले व्यस्त छौं । हुन त ककसले एघारवटा समितिको अवधारणापत्र अस्तित्व नै बुझाइसक्यो र अहिले मसौदालाई विश्लेषण गरेर त्यसलाई सङ्ग्रहित गर्ने काम गरिरहेका छौं । यी कुराहरूलाई सङ्ग्रहित गर्दा हामीसँग भएको अनुभव, पीडा र राजनीतिक जनचेतनाहरूलाई आधार बनाएका थियौं । हामी आफैं विज्ञ तथा कानूनविद् नभएकोले हाम्रा मुद्दाहरू विज्ञ र कानूनविद्को शब्दमा कसरी राख्ने ? हाम्रा कमी कमजोरी कहाँ रहे ? यसलाई कसरी मिलाउने ? कुन तरिकाले मिलाउने ? जस्ता कुरामा पनि हामीले ध्यान दिनु जरूरी छ । समय र स्रोतसामग्रीको अभावका कारण ती एघारवटा समितिलाई दुई खण्डमा बाँड्यौं र यसका लागि हामीले दुईजना विशेषज्ञहरूबाट सहयोग पनि लियौं ।

प्रश्न : राजनीतिक वृत्तमा त दलहरूबीचमा थुप्रै मत मतान्तर छन् । ककसमण्डलको प्रभाव छैन त ?

उत्तर- छैन, तपाईंले ककसलाई हेर्नुभयो भने हामीले आफैले नियमावली बनाएको पाउनुहुनेछ । नेतृत्व परिवर्तन गर्ने परिपाटी पनि बनाएका छौं । सबैभन्दा बढी मत पाएको पार्टी एकीकृत नेकपा (माओवादी)का साथी दामा शर्माले पहिलो नेतृत्व लिनुभयो र चार महिना उहाँको कार्यकाल हामीले हेर्यौं । त्यसपछि अब चार महिनाका लागि काङ्ग्रेसको पालो त्यसबाट म प्रतिनिधित्व गरिरहेकी छु । मपछि एमालेको पालो आउँछ, त्यसरी नै फोरमको पालो आउँछ । यसबाट के बुझिन्छ भने हामी विभिन्न राजनीतिक विचारधाराका महिला भए पनि समावेशी आधारमा एकजुट भएर महिलाका मुद्दाहरूलाई अगाडि सारिरहेका छौं ।

प्रश्न : महिलाको सवालमा संविधानसभामा के कस्ता प्रगति भएका छन् त ?

उत्तर- पहिला त प्रगति भनेको एकदमै न्यून थियो तर अहिले धेरै नै प्रगति भएको छ । हामीले धेरै तनाव खप्न बाँकी नै छ तर कहीं न कहीं सुधार आइरहेको छ । जस्तो कि, हाम्रो सवाल के छ भने जनसंख्याको आधारमा समानुपातिक समावेशी हुनुपर्छ र यसको अर्थ पनि म भन्न चाहन्छु । जति जनसंख्या जुन समुदायको छ अथवा महिलाहरूको छ त्यसै आधारमा समावेशी हुनु आवश्यक छ । आज हाम्रो प्रमुख मुद्दा भनेको महिला नै हो । साथीहरूलाई अलिकता शान्त भएर मात्र महिलाको मुद्दामा ध्यान दिनका लागि अनुरोध गर्न चाहन्छु । अहिले हामी महिला कहाँ छौं र हाम्रो के स्थान छ भन्ने कुरामा यो संविधानसभाको मस्यौदाबाट विशेषज्ञहरूले बुलेट प्वाइन्टहरू

निकाली राख्नुभएको छ । त्यसका बारेमा हामी महिला ककस बसेर छलफल गर्नेछौं । ती सुझाबहरूलाई सङ्कलन गरेर एउटा दस्तावेज बनाउँछौं र सबैको हातमा पुर्याउँछौं । यसलाई पुनः फिल्टर गरेर जनतासम्म हाम्रा समूहहरू जान्छन् । महिला समस्याहरूको दस्तावेज महिला सभासद् साथीहरूको हातमा हुन्छ । यही उद्देश्य राखेर आज हामीले महिला लैङ्गिक सवालहरू समावेश भए कि भएनन् ? भए भने कतिसम्म भए ? अब के गर्नु पर्छ ? त्यस्ता कार्यहरूमा भनेर लागिपरेका छौं ।

प्रश्न : संविधान समयमै बन्छ भन्नेमा कतिको विश्वस्त हुनुहुन्छ ?

उत्तर- मैले कस्तो विश्वास लिएकी छु भने, राजनीतिक नेताहरू आपसमा मिल्नेछन् र उनीहरूले समय खेर जान दिंदैनन् । तत्काल राजनीतिक कुराहरू मिलिरहेका छैनन् त्यो तपाईंके अगाडि छ । मलाई के लाग्छ कि जनताले जुन कार्यादेश दिएका छन् त्यो कार्यादेशलाई लक्ष्यसम्म पुर्याउनका लागि नेताहरू अथवा राजनीति दलहरू मिल्नै पर्ने हुन्छ । मिलेर नै यो संविधान बन्ने हो, शासनको लागि हामी निर्वाचित भएका छैनौं । प्रधानमन्त्री अथवा राष्ट्रपति अथवा कुनै पदका लागि होइन कि, संविधानसभा त जनताहरूको प्रतिनिधिमूलक सभा हो, जसले संविधान बनाउँछ यो मेरुदण्ड हो । यो प्रत्येक नागरिक, अपाङ्गता भएका व्यक्ति, वृद्ध, दलित, जनजाति, मुस्लिमहरूले हिड्न पाउने अवस्था सिर्जना गर्ने अनि देशमा शान्ति स्थापना गर्ने र सबैको सवाललाई समेट्ने सभा हो । त्यसकारण पक्कै पनि नेताहरूले यसलाई ध्यान दिनु हुन्छ । बस, यही मेरो विश्वास छ । अर्थात् जे भए पनि उहाँहरू एकजुट भएर आउनु हुन्छ भने, विश्वास मलाई लागेको छ ।

प्रश्न : राजनीतिमा महिलाहरूका साझा मुद्दाहरू केके हुन् ?

उत्तर – लगभग सबै समुदायका महिलाहरूलाई राजनीतिबाट टाढा राखिनु, हार्ने ठाँउमा महिलाहरूलाई उम्मेदवार बनाइनु, महिलाहरूलाई नेतृत्व पदमा नराख्नु जस्ता समस्याहरू हाम्रा साझा समस्या हुन् । महिलाहरूको जनसंख्याका लागि अन्तरिम संविधानले तेतीस प्रतिशतको व्यवस्था कुन आधारमा गर्यो । यी कुरामा पनि म अस्पष्ट छु तर त्यो बेलाका महिलाहरूलाई तेतीस प्रतिशत अधिकार दिनु पनि सकारात्मक कुरा नै हो । महिलाहरू राजनीतिक चेतनाभन्दा टाढा थिए तर आज शिक्षित भइरहेका छन् । राजनीतिक जनचेतना बढिरहेकोछ, अहिले स्थानीय तहमा अथवा प्रत्येक स्तरमा पनि महिलाहरू सक्षम भएर आइरहेका छन् । यसैकारण अहिले हाम्रा साझा मुद्दा के छ भने, राजनीतिक सहभागिता, निर्णयमा सहभागिता, परिवारभित्र महिलाको सहभागिता र समाजभित्र महिलाको सहभागिता गराउन अहिले पनि खाइलहरू छन् । शान्ति समितिहरू बनेका छन् तर त्यहाँ पनि तेतीस प्रतिशत अधिकार दिइएको छैन । तपाईं प्रशासनमा हेर्नुहोस् तेतीस प्रतिशत छैन । महिलाहरू सक्षम भए पनि राजदूतमा तेतीस प्रतिशत सहभागिता छैन । यस्ता धेरै कुरामा अझै पनि हामीले संघर्ष गर्न बाँकी नै रहेकोछ । यो साझा सवाल हो यसमा सबै सक्षम महिलाहरू पुग्न सक्छन् । पुग्न नदिने एउटा सेट मानसिकता छ कि, महिलाहरू सक्षम छैनन् भन्ने त्यो हेप्ने अथवा पुरुषवादी सोच, पुरानै संस्कारबाट आइरहेको छ तर त्यो समय गइसक्यो । महिलाहरू सक्षम छन् राजनीतिमा सहभागिता हुन्छ भने विस्तारै खास गरी अहिले संविधानसभामा समावेशी समानुपातिक सुनिश्चित हुन्छ भन्नेमा म आज पनि विश्वस्त छु र दलित, जनजाति, मुस्लिम सबै समुदायका महिलाहरू यसमा आउँछन् भने मेरो दृढ विश्वास छ ।

प्रश्न : सङ्घीयताबारे तपाईंको धारणा ?

उत्तर – सङ्घीयता हाम्रो विकास, पहुँच र समानताका लागि हो । झोलुङ्गे पुल छैन, सडक - बाटो छैन । अहिले पनि तराइमा खास ठाँउमा पुग्न एउटा पिच छैन । सर्वप्रथम त विकास हो, विकास हुन्छ भने पहुँच पनि सँगसँगै आउँछ । पहुँच हुन्छ भने उसको अधिकार सुरक्षित हुन्छ । अधिकार सुरक्षित हुन्छ भने त्यसले राष्ट्रियताको भावना पनि बढाउँछ । नागरिकको उत्तरदायित्व पनि बढ्छ र एक अर्कासँग धेरै कुराहरू जोडिन्छन् । धन्यवाद।

Training of Master Trainers in Constitutional Outreach

Chitwan, At a time when the process of drafting a new Constitution has gained momentum and the Constituent Assembly Secretariat has already amended the CA Schedule for the ninth time, the Civil Society Outreach (CSO) Program (a component of UNDP's Support to the Participatory Constitution Building in Nepal) organized a four day workshop in from Jan 26-30 for master training of trainers.



The objective of the workshop was to train the master trainers for district level training on reviewing the draft Constitution once the draft is made public. A total of 32 master trainers representing various groups and communities from all over the country attended the workshop.

Lil Bahadur BK, representing the Dalit NGO Federation, said that he expected to learn

simple methodologies by the end of the training to reach out to the people to get their ideas and pass on the techniques to the trainers at the local level and Village Development Committee (VDC) level.

The Institute for Governance and Development (IGD) provided the training to the master trainers. The facilitators (one male and one female) from each VDC will assist in reviewing the draft Constitution. The training is expected to reach out to all the 3910 VDCs of the country.

Keith Leslie, CSO team leader said, "The responsibility of the master trainers for educating and creating awareness among the people about the Constitution has increased drastically and everybody should work as a team in order to make this historic process of drafting the new Constitution a success."

The facilitators who are trained by the master trainers will collect opinion on 12 major agendas of the new Constitution. Example topics are: fundamental rights, citizen's duties and responsibilities, rights of minority and marginalized groups, distribution, protection and use of local natural resources, local self government, ruling system, and distribution of rights in the federal structures and others.

IGD Trainer Shambhu Rai, said that the opinion collected on these issues will be discussed in a workshop in each constituency and will prepare a constituency report by the end of each workshop. Those Constituency level compiled reports will be handed over to CA Secretariat and the Constitutional Committee for review of the suggestions of the people and for the effective implementation of those suggestions.

A participant, Prabina Hora, from Newa Dey Daboo, said that since it is an historic moment, everybody should work toward getting the voices of people to be heard and these voices should be incorporated in the new Constitution.

Questionnaire: Tell Us What You Would Like to See

The purpose of this questionnaire is to get the information on how to improve the **Constitution Building e-Bulletin (CBeB)**. The information provided will be used for internal purposes only.

1. Were you able to download the CBeB and access stories easily? (Check one)

Yes - comments:
No – comments:

2. Does the CBe-B fulfill your information requirements? (Check one)

- i. CB-eB satisfies all expectations
- ii. CB-eB satisfies most expectations
- iii. CB-eB satisfies some expectations
- iv. CB-eB satisfies a few expectations
- v. CB-eB does not satisfy expectations at all

Please describe what expectations were satisfied and not satisfied :

Satisfied _____

Not Satisfied _____

3. What kind of specific information about constitution building would you like to receive from CB-eB?

-
4. Do you want articles on the people's participation in constitution building outside of Kathmandu? If so, how many in each edition? Check one: 1 2 3
-

5. What role, if any, do you expect the CB-eB to play after the constitution is drafted?
-

6. How would you like to continue receiving the CBeB? (Check one or both)

- i. e-Bulletin
- ii. PDF file via email
- iii. I do not wish to receive the CBeB.

7. How often would you like to receive the CBeB? (Check one)

- i. Weekly
- ii. Bi-weekly

8. Have you accessed the new CCD website? Circle one: Y N. How can it be improved to fulfill your information needs? Would you be willing to participate in a CCD website usability study? Check one: Y N
-

CB Resources and Recent Publications

The CCD Website (www.ccd.org.np) offers daily media monitoring on constitutional issues, access to the CCD library bibliography of publications, a comprehensive list of constitutions from other countries, all of Nepal's past constitutions, many other excellent research studies and articles plus links to other organizations involved in constitution building. A new feature on this website, "Ask the Expert," allows users to ask a question about constitution building and receive a reply within three business days.

The Constituent Assembly official website (<http://www.can.gov.np/index.php>) is a great source of up-to-date information on CA Members, timetables, bills, committees, the CA Notice Board, and other features.

The latest issue of the Nepali periodical **The Organisation** (Volume 12 issue 2) focuses on **The Challenge of Governance in Nepal's Transition to a Democratic Federal Republic**. Paul Collier, in his article *Development in Dangerous Places*, talks about development in countries that have a history of violence or are recovering from it, as Nepal is now. Pieter De Schepper, in his article *Governance and Decentralisation* in Nepa talks of federalism and the price tag that may come with it. In another article titled *Transitional Governance: The Hard Choices*, Ken Afful discusses the challenges of transitional government and support the development partners and public sector can provide in this crucial period of transition. The issue also includes articles on the situation of women in Nepal and their rights, domestic violence, illiteracy and gender-based discrimination that continue to affect the development of Nepali women, the representation of women in politics, the private sector, judiciary and media as well as on highway-development, federalism and transition.

CCD has published the last two of its ten-volume constitutional **booklet series**. All ten booklets are available in English and Nepali, as well as in Maithili, Bhojpuri, Tharu, Magar, Tamang, and Newar. Hardcopies are available at the CCD library and soft copies are posted on the CCD website under, "Publications."