

Constitution Building



Project: Support to Participatory Constitution Building in Nepal (SPCBN)

> Background

On 21 November 2006, the decade-long armed conflict in Nepal officially came to an end with the signing of the Comprehensive Peace Accord (CPA) between the Government and the Communist Party of Nepal (Maoist). A central pillar of the accord is the writing and introduction of a new constitution that grants equal rights and opportunities to all Nepalis — regardless of caste, gender, ethnic or religious difference. At the heart of the conflict were grievances about political, economic, and social exclusion. Historically, Nepalese society has been deeply divided along caste and ethnic lines. Members of lower castes, people from ethnic groups (Janajatis), Madhesis and religious minorities, as well as women from all categories, have less education, less access to information and less opportunity to participate in decision-making.

Elections to the Constituent Assembly were held on 10 April 2008. Sixty percent of the electorate voted. A record number of women, Dalits and Janajati people were elected making this the most socially inclusive legislative body in Nepal's history. The 601 members of the Constituent Assembly now have a historic opportunity to restructure the state and establish systems of government that can address the centuries of exclusion and reverse the growing inequalities in Nepali society.

The development of a new constitution remains a daunting challenge given the magnitude of the task and the limited timeframe. There is still only limited understanding in many quarters about the process, and helping people to add their voices to the drafting process will not be easy. Eighty-seven percent of the population live in scattered rural villages, more than half are illiterate, and the communication and transport infrastructure is underdeveloped.

During 2008 a great deal of energy was invested in increasing knowledge about constitutional reform in post-conflict situations, including two UNDP initiatives (see overleaf right).

> The project

The Support to Participatory Constitution Building in Nepal project began in April 2008 to support an inclusive process for building Nepal's new democratic constitution. The project aims to facilitate the connection between assembly members and the citizenry. It is responding to the two needs of:

- ensuring the successful establishment and functioning of the constituent assembly; and
- facilitating widespread, balanced and meaningful public involvement in the constitution building process.

- > **An efficient and effective assembly** — The project is working to build up the physical infrastructure of the Constituent Assembly, as well as the capacity of the Secretariat, assembly members, technical advisors and other key actors.

Much of this support is being provided from the Centre for Constitutional Dialogue (CCD), which was launched by the project in January 2009. The centre works in seven national languages and English. It is developing materials in audio as well as text formats to encourage participation by people with limited literacy.

Project details

Nepali name: सहभागितामूलक संविधान निर्माण सहयोग परियोजना नेपाल

Duration: May 2008 to December 2010

Budget: \$18.8 million

Funded budget: \$9.3 million

Unfunded budget: \$9.4 million

Implemented: By UNDP in the Constituent Assembly and all 240 constituencies across Nepal

Main partners: The Constituent Assembly, its Secretariat and its members

Other partners: Nepali civil society organisations, particularly ones representing marginalised people

Donors: UNDP (\$3.3m), Denmark (\$2.6m), DFID (\$2.4m), Norway (\$0.7m), BCPR (\$0.3m)



DFID Department for International Development



➤ **The centre provides:**

- **Training and expert advice** — It provides training on constitutional issues for assembly members, their advisors and members of the public. Through Nepali experts, it also offers advice to assembly members and the public.
- **Information** — The centre's well-equipped library, its IT facilities and programmes provide information on constitutional issues for assembly members, civil society and the general public.
- **Promoting dialogue** — The centre offers a space for facilitating exchange on constitutional issues between assembly members and civil society. This is playing a crucial role in developing wider understanding of the concerns of all segments of society.
- **Communication** — The centre offers internet and telephone connections to assembly members as many of them lack the resources to contact their constituents.



Discussion on federalism at the Centre for Constitutional Dialogue

- **An informed and involved public** — The project is also working with civil society to increase the general public's knowledge of constitution-making and to feed the public's views and priorities into the making of the new constitution. The emphasis is on supporting the participation of the historically marginalised and disadvantaged communities. The project is supporting federations and consortia that represent these groups to run 'democracy dialogues' across all 240 assembly constituencies. In partnership with the BBC World Service Trust, the project is providing television programming such as *Sajha Sawal* (see box), as well as drama and news magazine programming on community radio.

➤ **2009 focus**

- To assist the Constituent Assembly to develop a process that is open and transparent.
- To provide, through the Centre for Constitutional Dialogue, services that support constitution building.
- In cooperation with civil society organizations, to feed into the Constituent Assembly process neutral, fact-based reports on the constitutional issues raised by citizens from all 240 electoral constituencies.

Importance of this project towards achieving the MDGs and consolidating peace

The promulgation of a new constitution is a major landmark in the peace process, with peace being a necessary precondition for accelerated progress towards achieving all the MDGs.

Nepal's six constitutions

- ▼ 1948 constitution (under the Ranas)
- ▼ 1951 constitution (originally to be an interim constitution)
- ▼ 1959 multiparty parliamentary constitution
- ▼ 1962 partyless Panchayat constitution
- ▼ 1990 multiparty parliamentary constitution
- ▼ 2007 post-conflict interim constitution
- ▼ 2010 planned federal democratic republic constitution

Previous UNDP initiatives

Support to Constitution Building Process in Nepal (Nov 06–Apr 08, \$1.8m) — The SPCBN project builds on the achievements of a preparatory initiative that fostered debate about state restructuring in the 18 months leading up to the assembly elections. It supported national conferences and debates on key constitutional issues, publications and a website.

Participation in Peace and Constitution-Building Project (Jul 07–Sep 08, \$1.8m) — This initiative ran a series of broadcast debates (*Sajha Sawal* — Common Questions) and the popular radio drama *Katha Mitho Sarangiko*. These programmes were widely aired and raised awareness about the Constituent Assembly elections, the restructuring of the state and other topical issues.

For more information:

- ☎ the project office at (+977-1) 5010060, 5010058
- 🌐 the project's website at www.undp.org.np/constitutionbuilding/
- 🌐 the Centre for Constitutional Dialogue at www.ccd.org.np/

United Nations Development Programme

- UN House, PO Box 107, Pulchowk, Lalitpur, Nepal
- ☎ (+977-1) 5523200, fax: (+977-1) 5523991
 - 🌐 <http://www.undp.org.np/>