



## **CARTER CENTER - NEPALIS WANT NEW CONSTITUTION TO PROMOTE DECENTRALIZATION AND EQUALITY**

**Feb. 22, 2010**

**FOR IMMEDIATE RELEASE**

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**Kathmandu...**According to a Carter Center report released today, Nepalis expect their new constitution to provide peace, security, and address basic needs. They support measures to promote equality, inclusivity, and education for all; end discrimination; uplift disadvantaged communities; and improve access to the state and justice system.

The report is based on the most recent findings of Carter Center observers throughout the country, who have monitored the post-election peace and constitutional-drafting process since June 2009 and provided impartial information on progress to political leaders, civil society, the international community, and Nepali citizens.

The report explains that citizens who support federalism tend to associate it with decentralization of power and hope that the government will be brought closer to the people, allowing for greater access to the state, more accountable decision-making, improved service delivery, an end to discriminatory practices, and more equitable representation. However, some citizens raise concerns regarding federalism such as disintegration of the country, communal conflict, and being cut off from other areas.

“The concerns raised by citizens underscore the need for accurate and unbiased information about

The Center offers the following recommendations to Constituent Assembly (CA) members and organizations that provide it with financial or technical assistance:

- Conduct an impartial and accurate awareness campaign about federalism at the local level.
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### **III. CITIZENS**

#### **a. Citizen Participation in the Constitutional Process**



learn in Nepali. While the idea of education provided in local languages appeals to some, the practical merits are often debated among citizens. In Makwanpur, a mixed community of Brahmins, Chhetris, and Magars asked whether each group would get its own school and how teachers would be able to teach in a language that is not their own. Further, a Newar shopkeeper in Ramechhap was opposed to education in mother tongues and questioned how people could compete with each other in the same job market if they were all educated in different languages.

*L n e e n e*

The issue of language use in the Tarai is somewhat more complex, with no consistent sentiment found on how Nepali, Hindi, or mother tongues such as Awadhi, Bhojpuri, Maithili or Tharu should be used. On the discussion of a possible “link language” for the Tarai, opinion in the Eastern and Central Tarai was mixed, with some citizens saying it should be Hindi, others Nepali, and some both. The general sentiment observers found was best expressed by a g

percent based on North-South geography; 6.1 percent based on language; 4.8 percent based on the present districts and zones; and only 1 percent based on economic transactions.

Carter Center observers have found that when citize



ethnic-based federalism are highest among constituencies such as Hill Janajatis, Newars, and Tarai Madhesis and Janajatis. However, in all three cases, IDA has found that the level of support was only around 20 percent or one-in-five<sup>10</sup>





reportedly increasingly adopting political agendas.

Even among groups representing the same constituencies, opinion is often divided over whether special rights should be given to the recognized indigenous

Madhesi identity.<sup>20</sup> However, different Tharu groups offer differing perspectives on what a Tharu state should look like and proposals vary regarding what

**b. Management of Natural Resources**

advocates primarily for Dalit rights, proposed a direct proportional representation system based on demographic distribution at the national and local level. A representative from the National Muslim Forum (NMF) in Banke spoke of the importance of proportional representation in all branches of government, especially the judiciary, education system, and legislature-parliament, where he believed





Senior Maoist representatives emphasized the symbolic nature of the declarations and stated that their objective was to advance the constitution drafting process. A “state-in-charge” was named at each event, except the Seti-Mahakali declaration. Maoist representatives claimed that the designation of a state-in-charge did not signify the establishment of parallel governments, although Maoist Chairman Pushpa Kamal Dahal “Prachanda” publicly stated at the Newa state declaration that these governments would be operationalized in the event of a “conspiracy” against federalism or the peace process. At most events, state maps were displayed with borders delimited around existing districts. Maps of the Tamsaling state were being sold in Nuwakot for NRs 10 though Maoist representatives said the maps were proposals only and were subject to change.

Inclusivity was a theme of the declarations, with many presentations made in local languages and cultural programs organized to recognize the ethnic diversity of the proposed states. Maoist representatives downplayed the political significance of state names and addressed concerns of “domination” by one ethnic group. At the Tamsaling declaration, multiple speakers stated that a state named in honor of the Tamang people did not imply Tamang rule. Similar sentiment was expressed at the Tharuwan and Magarat declarations where emphasis was placed on acknowledging all ethnic and caste groups present. The Madhesh declaration was described by observers as a “balancing act” between Maoist recognition of demands for “one Madhesh” and aspirations of small communities. Maoist representatives emphasized Madhesi rights, but also named Awadh, Bhojpura, and Mithila “sub-states-in-charge.”

Event attendance ranged from as few as an estimated





civic education volunteers.

- **Conduct a genuine public consultation on the draft constitution which informs citizens of how the new constitution will impact their daily lives and incorporates “lessons learned” from the previous outreach program.** To ensure that the constitution is accepted by the people of Nepal, the CA must be prepared to address citizen desires and expectations. The public consultation provides a good opportunity for the CA to inform citizens about their work to date and the provisions likely to be included in the new constitution. Consideration should be given to simple methods such as civic forums and town-hall meetings as well as more systematic methods like focus groups if time permits. The CA should ensure that it incorporates the lessons learned from the previous consultation period, such as avoiding providing information that is too technical, requires extensive literacy skills, or is only in Nepali. Donors should consider making this a condition for support, and should continue to work with the CA to maximize the effectiveness of the consultation process.
- **Increase efforts to engage in dialogue with indigenous and marginalized groups that are using peaceful and democratic means to raise their demands.** The issues raised by indigenous and marginalized groups that are outside the constitutional process should be acknowledged by the CA to ensure broad acceptance of the new constitution. Attempts should be made to engage these groups in dialogue that would allow for constructive debate on key issues of contention. One way would be through a “stakeholders conference” attended by senior leaders of all major political parties and advocacy group representatives to exchange views on issues related to federalism. The international community should also consider organizing workshops with CA members and indigenous and marginalized groups at the local level to facilitate constructive dialogue.