

# UNDP SUPPORT TO NEPAL'S 2015 CONSTITUTION



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## BACKGROUND

*On 19 September, 2015, Nepal took a significant democratic step with the promulgation of its long-awaited Constitution adopted by the popularly elected Constituent Assembly. Eight years in the making, the Constitution of Nepal fulfills a significant achievement for the country as the Constituent Assembly reached an agreement passing the landmark set of principles upon which Nepal will be governed.*

The Constitution introduces federalism with three levels of government responsible for decision-making and service delivery with different powers and resources at the national, provincial and local levels. The new Constitution also brings key improvements recognizing many fundamental rights, like the rights of women and cultural and sexual minorities; it creates new commissions and adapts the mandate of existing ones; and it envisions a parliamentary form of governance, among other principles.

While there was an overwhelming majority in the Constituent Assembly voting for the Constitution, a section of the Nepali society felt overlooked by the process and the text and continue to interact with the Government to address these concerns.

## UNDP'S ENGAGEMENT IN THE PROCESS

UNDP recognizes locally-owned, informed, inclusive and participatory constitution-building as an opportunity to build sustainable peace and the basis for equitable development. Aligned with this approach, UNDP Nepal established the Constitution Advisory Support Project immediately after the Comprehensive Peace Accord was signed in 2006, ending a decade-long war. UNDP



then launched the Support to Participatory Constitution Building in Nepal (SPCBN) Project in 2008.

With US\$ 20.7 million funds mobilized by UNDP from Austria, Denmark, DFID and the British Embassy, Japan, Norway and Switzerland, the project focused on two main goals: 1. Assisting major political parties agree on key contentious issues; and 2. Ensuring civil society and excluded groups have influence over the Constitution content through meaningful participation. These two aims were largely met. UNDP's technical and financial support to the process filled the gaps related to the functioning of the Constituent Assembly, and ensuring

fundamental political, social and economic needs are reflected in the final text.

UNDP's support to the constitutional process was also achieved through synergies cross its programme including work on the rule of law, promoting local development, and support to the parliament.

## UNDP'S CONSTITUTIONAL SUPPORT AT A GLANCE

### Platform for dialogue

For the most intensive phase of constitutional deliberations, UNDP established a Centre for Constitutional Dialogue (CCD) to provide information and a neutral dialogue space, visited by a total of 79,574 people (12,787 women). In addition, 478 CA members participated in technical and skills trainings provided by the centre, of which 256 were women.

### Facilitation of political consensus

UNDP facilitated formal and informal dialogues for 10,874 political leaders, CA members, responsible Committee and Subcommittee leaders and members in order to forge consensus on constitutional issues.

Marginalized people were also consulted during 184 nation-wide sessions reaching 5,000 representatives from these communities all across the country.

### Outreach and civic education

UNDP's outreach and public awareness campaigns significantly contributed to increased inclusive public participation, notably by going into local communities, sharing information, gathering public opinions and feeding that information back up to the Constituent Assembly. UNDP hosted over 10,000 local events reaching over 600,000 people at the Village District Committee level. More than 22,500 public suggestions on thematic papers and the draft constitution were collected and funneled upwards to the national level. To mainstream and maintain public participation, UNDP and partners established 17 Constitution Information Centres across the country through which the public could learn about the Constitution process, dispel myths and misconceptions, and continue feedback systems.

### Media engagement

The project engaged with media in order to enhance public awareness on constitutional issues that directly affect peoples' lives. For this, 72 episodes of Sajha Sawal

## ACHIEVEMENTS

- Enhanced capacity and awareness of Constituent Assembly members, political leaders, and CSOs on constitutional issues
- Space provided for invaluable inclusive dialogue between the CA and the public
- Enhanced opportunities of different stakeholder groups to have voice in the process
- Public consultations expanded for meaningful participation of general public in the constitution making process
- Preparedness for implementation increased



were broadcasted on Kantipur Television and on 66 FM radio stations. Further, 198 radio episodes and 32 TV talk shows on constitutional issues were produced and broadcasted. The project also supported a radio network of FM stations to produce and disseminate daily news bulletins in seven national languages. Over 500 journalists were trained on constitutional issues.

### Knowledge products

UNDP prepared analytical memos, technical papers, option papers, briefing notes, producing over 70 publications in both English and Nepali on different themes such as federalism, forms of government, electoral system, judicial system and inclusion, among others. These products served to support informed debate among the Constituent Assembly members, political leaders and civil society members. Similarly, it helped vulnerable groups within the CA, particularly the Women's and Indigenous Peoples' caucuses, by carving out space for their meaningful participation in debates on substantive issues.

### Transition management

UNDP provided technical expertise laying the groundwork for transition management and implementation of the new federal constitution. To this end, UNDP helped organize workshops and supported the CA in introducing the transition-related provisions in the Constitution. This work is now being taken further through a Public Administration Reform programme designed by UNDP with the Office of the Prime Minister and Council of Ministers and the Ministry of General Administration.

### Support to the constitutional commissions

UNDP supported various constitutional and other commissions in raising their concerns and the voices of their constituencies. In this regard, UNDP supports the National Human Rights Commission, the Election Commission, Nepal Dalit Commission and National Women Commission in their respective areas of work.

### Public consultation process

An innovative and cost-effective method facilitated by UNDP helped Nepal's Constituent Assembly reach over 2 million people and drew more than 15,500 comments on the draft constitution in a span of less than two

weeks in 2015. In cooperation with International IDEA and UN-Women, UNDP, set up a website, both in Nepali and English. Within a few hours of launching the site, close to 1,000 comments were received. Through Facebook, the information on the website reached more than 2 million people. Disaggregated data of these people showed that women and other marginalized communities were underrepresented in the feedback. So, in order to enable those who did not have access to internet, the project additionally conducted 12 public consultation workshops in different parts of Nepal, some of them particularly targeted for women and marginalized communities. All the feedback received through the website, public consultation workshops, and the expert reviews were submitted to the Constituent Assembly committees and CA chair in writing, as well as through feedback-sharing meetings.



*"When UNDP approached us with this idea of having a series of discussions on lessons learned, we were so happy because we strongly feel that the gains of the CA should be consolidated. UNDP provided us the opportunity to reflect on our works and discuss thorny issues. It was a big help to bring together experts and the CA members and reflect on the achievements and the failures of the first CA. This exercise has helped us to offer suggestions to new CA members so that they may not repeat the same mistakes."*

**Lakshman Lal Karna, CA member**

*"It is indeed a very positive step that UNDP took the initiative to bring together women parliamentarians, be they Dalit, Madhesis, Indigenous and/or women lawmakers representing various political parties so that they could have extensive discussions on issues such as guaranteeing proportional representation of women in all state mechanisms."*

**Lucky Sherpa, CA member**

## WAYS FORWARD

The implementation of the Constitution offers a historical opportunity for the country to make Nepal's governance system and structure more inclusive, responsive and accountable at all levels and further improve the quality and reach of service delivery.

UNDP is committed to support the relevant government institutions and stakeholders in implementing the Constitution within its mandate and normative framework to which Nepal has agreed. To this effect, UNDP will continue supporting Nepal as it builds responsive and accountable institutions to deliver equitable public services at the federal and sub-national

levels, and to manage the associated transition ensuring human rights and social inclusion. Similarly, UNDP can enhance citizen participation, voice and accountability through electoral processes, parliamentary development, human rights and inclusion, and civic engagement.

As Nepal navigates the transition under the new Constitution, it also embarks on the global Agenda 2030 for Sustainable Development. This is a tremendous opportunity for Nepal to blend its Constitutional transition with its efforts towards achieving the Sustainable Development Goals (SDGs). UNDP continues its support and offers its expertise as Nepal undertakes this journey.

