

Report

On

High level dialogue with TU & Political Parties in Nepal



1. Background

Finally, after dozens of marathon meeting, despite their disagreement on several agenda, major political parties agreed to formulate the new constitution. With the 16-point agreement of four major political parties on the disputed issues, which had stalled the constitution writing process for eight long years, promulgated the New Constitution with signatures of 90 percent of the Constituent Assembly (CA) II members .After promulgated constitution, new government has been formed headed by CPN –UML President KP Oli. Labour act is still under discussion. In new constituent several issue related to labour has been addressed but still there is a gap, the issue of workers representation in every electives body of the state raised by Trade union has not incorporated in new constituent .Trade union are lobbying to include workers rights in constitution. Labour right is still in a difficult situation due to the lack of stable. The trade union movement in Nepal in the present context of transitional national scenario faces a number of challenges & problems. Thousands of workers have been victimized caused by earthquake, several industries –factories have been damaged. Labor law and social protection schemes still in the table of the government, minimum has not revised since last 2 and half years.

Eventhough Nepal promulgated the New Constitution and clear his road to move ahead but closest neighbor India sent a cold-note and a mild-warning. India informally conveyed a proposed 7-point constitutional amendment the following day supporting 10 percent of Nepal’s CA II, which are agitating Madhesi groups. Such amendments interfere with landlocked Nepal’s sovereign and internal affairs. India initiated undeclared transit trade warfare, blocking Nepo-India borders. The blocking at borders is freezing the life of all Nepalis. Now Nepal suffers from an acute shortage of cooking and oxygen gas, gasoline, medicines and other daily humanitarian supplies which directly impact to the life of Nepali working people.

The political process of institutionalization of the incomparable historical changes in Nepal is still incomplete and surrounded by a number of obstacles. In this connection, GEFONT organised **High level dialogue with TU & Political Parties in**

Nepal with the aim of discussing and sharing the labour issue included in new constitution, Analytical discussion present situation of country and labour market issues in Nepal under the changing context and lobbying with policy makers to include the workers issue which are not included in new constitution

2. Target group

- *GEFONT NEC Memembers*
- 5th National Congress Delegates Council members
- *Leaders of GEFONT affiate Unions*
- Labour Experts and distinguished political leaders

3. Objective

1. Discuss and sharing the labour issue included in new constitution
2. Analytical discussion present situation of country and labour market issues in Nepal under the changing context.
3. Lobby with policy makers to include the workers issue which are not included in new constitution.

Activities carried out:

High level dialogue with TU & Political Parties in Nepal

High level dialogue with TU & Political Parties in Nepal-on worker and new constitution organised by GEFONT has been concluded in Nepal Acedemy Hall kamaladi Kathmandu and Lazimpat Banquet on November 02 – 03, 2015. .The program was conducted in two parts, first day – Inaugural Session Session where guest speakers were invited to speak presnt political situation under the changed context, Constitution writing process & step,labour issues included in new constitution and the issue to be included .

In the inaugural sessions ,as Chief Guest Right Honorable Prime Minister K.P. Sharma Oli has expressed commitment to rigorously implement the constitutional provisions for peasants and workers of all sectors, he said the present Government under his leadership will work for the prosperity of the working class.

Talking about the current crisis in Southern parts of Nepal Prime Minister Oli said the protest is pointless He said problems could be addressed by amending the constitution and the Government will not conclude any agreement which is against the national interest.

Like wise, as special guest of inaugural session former Chairperson of Constituent Assembly Subhas Nembwang said the constitution is being intentionally misinterpreted and said it is extremely important that such moves are counter attacked. The Constitution is one of the finest in the history of the country including rights of all citizens he added.

He said the constitutional provision of electorate area determination system based on geographical location and population is as per the international practice. India is one of the examples who uses this system the most he said

Similarly, , guest speaker, Vice President of Communist Party of Nepal – Unified Marxist Leninist (CPN- UML) Astalaxmi Sakya said the Constitution is women friendly. She said it includes many progressive provisions regarding citizenship, representation and other issues. Some provisions need to be revised which will be done with time she added.

CPN –UML Standing Committee member Chabilal Biswokarma said the constitution is superlative from Dalit perspective and appreciated the role played by GEFONT in Constitution making.

On the occasion Member of Parliament Lal Babu Yadav said the demands of Madhes based parties are not only against people of hills but also Madhesis themselves. The wrong interpretation of constitution has led to this crisis and trade union should help political parties to educate the people in Madhes about the constitution he said.

On the occasion, welcoming the participants GEFONT President Bishnu Rimal

expressed joy upon the completion of task by second constituent assembly. He said the international community congratulated Nepal on promulgation of new constitution whereas its neighbor India tried to interfere and impose its agenda.

He also brought to the attention on issue of revising minimum wage at regular interval of two years which is delayed this time. More than 500 participants including CPN- UML leaders- Mukunda Neupane and Dr. Rajan Bhattarai, Dr. Bharat Raj Pahari, Dr. Dev Raj Dahal **Country Director of Friedrich-Ebert-Stiftung (FES), Prof. Dev Raj Dahal**, NTUC President Khila Raj Dahal, ANTUF President Shalikram Jammkattel, NLA President Dr. Shiva Sharma GEFONT Governing Council members and GEFONT National Executive Committee members , GEFONT- TUPI members and GEFONT fifth national congress delegates representatives .

On the second day , addressing the programme, **CPN- UML General Secretary Ishwor Pokharel** said the constitution is a dynamic document therefore it will be amended as per the requirements and left out agendas of the workers will be addressed. He appealed to bring the demands and suggestions in written format which can be included in the constitution.

Speaking at the programme CPN – UML General Secretary Pokharel said some forces are trying to intentionally mis interpret the constitution. He further said the present protest in Madhes is incomprehensible and India had changed its attitude toward Government of Nepal from the time 16 point agreement was signed among the Nepali political parties. “They expect us to get their approval for our every action and we refuse to do so”, he said

Similarly, speaking the programme Dr. Dev Raj Dahal **Country Director of Friedrich-Ebert-Stiftung (FES), Prof. Dev Raj Dahal** Speaking at the meeting FES Nepal Director Debraj Dahal said citizens can enjoy the rights provided by the constitution only when the state is strong and appealed all to contribute to make a strong state. He said even though the constitution is among the best in the world its success will be determined by its implementation. He also stressed on the need to have a production based economy and expansion of labour market to give job opportunities for Nepali youths in the country itself.

Speaking in the programme **GEFONT President Bishnu Rimal** said the revision of minimum wage, amendment of national labor law and social security fund system

should help manage the labor sector. Therefore these three agendas should be advocated together.

President said GEFONT initiative to organize the Nepali migrant workers in foreign countries has given it a different identity in international trade union movement; After becoming federal, demarcation of federal states will begin and GEFONT will form its committees accordingly he said and directed the zonal committees to prepare themselves and form an opinion regarding the matter of the programme participated in the program.

With the aim of discussing and sharing the labour issue included in new constitution, Analytical discussion present situation of country and labour market issues in Nepal under the changing context and lobbying with policy makers to include the workers issue which are not included in new constitution ,two days **High level dialogue with TU & Political Parties in Nepal-on workers and new constitution** organised by GEFONT has been concluded in Nepal Acedemy Hall kamaladi Kathmandu and Lazimpat Banquet on November 02 – 03,2015. .The program was conducted in two parts, first day – Inaugural Session where guest speakers were invited to speak presnt political situation under the changed context, Constitution writing process & step,labour issues included in new constitution and the issue to be included and second day ,where political leaders ,labour experts and Trade union leaders were invited to present political situation of the country and on contemporary labour issue as well.

First day ,02 November ,2015

In the inaugural sessions, as Chief Guest Right **Honorable Prime Minister K.P. Sharma Oli** has expressed commitment to rigorously implement the constitutional provisions for peasants and workers of all sectors. Addressing in inaugural session,

Prime Minister said the present Government under his leadership will work for the prosperity of the working class.

On current crisis in Southern parts of Nepal, Prime Minister Oli said the protest is pointless. If there is any problems could be addressed by amending the



constitution and the Government will not conclude any agreement which is against the national interest.

On the Constitution, Prime Minister further said Nepal has adopted the new constitution with more than two third majorities as done anywhere else in the world with democratic system. Prime Minister asked India to stop interfering in the internal matter of a sovereign country.

Prime Minister condemned the move of India to block the import of gas and fuel and create pressure among working class when the country was gearing up to celebrate the promulgation of Constitution.

Emphasis on the Constitution, Prime Minister said, the constitution is one of the best constitutions in the world safeguarding rights of citizens and groups.

In the inaugural session, **In his Key note address, GEFONT President Cde. Bishnu Rimal said** the international community congratulated Nepal on promulgation of new constitution whereas its neighbor India tried to interfere and impose its agenda . President Bishnu Rimal expressed his joy upon the completion of task by second constituent assembly.



In his key note, President said the state has to carefully distinguish between who is true and who is shedding crocodile tears and also drawn the attention on issue of revising minimum wage at regular interval of two years which is delayed this time. Nepali trade unions were silent on the issue so far as the state and the government was busy with constitution finalizing and promulgation but now the Government has to proceed with the process he said. Likewise, he also requested the Government to immediately proceed with the amendment of labor law.



Similarly, addressing as special guest **former Chairperson of Constituent Assembly**, Subash Nemwang said the constitution is being intentionally mis-interpreted and said it is extremely important that such moves are counter attacked. The Constitution is one of the finest in the history of the country

including rights of all citizens he added.

Former Chairperson said the constitutional provision of electorate area determination system based on geographical location and population is as per the international practice. India is one of the examples who uses this system the most he said.

Nemwang asked all to reflect on the fact that more than two third of Constituent Assembly members are Madhesi, ethnic, dalit and indigenous.

As Guest speaker, Vice President of Communist Party of Nepal – Unified Marxist Leninist (CPN-UML) **Astalaxmi Sakya** said the Constitution is women friendly. She said it includes many progressive provisions regarding citizenship, representation and other issues. Some provisions need to be revised which will be done with time she added.



Likewise, addressing the inaugural session, CPN –UML Standing Committee member **Chabilal Biswokarma** said the constitution is superlative from Dalit perspective. Chabilal praised the GEFONT who is involved actively in every democratic movement in Nepal. Biswokarma appreciated the role played by GEFONT in Constitution making.



On the demands of Madhes based party , Member of Parliament Lal Babu Yadav said the demands of Madhes based parties are not only against people of hills but also Madhesis themselves. The wrong interpretation of constitution has led to this crisis and trade union should help political parties to educate the people in Madhes about the constitution he said.

Lal Babu further said if state is weak foreign agents will benefit from it and after the promulgation of new constitution and 16 point



agreement such agents are worried and looking for opportunity to interfere and establish their hold.

Second Day, 03 November, 2015

Speaking as Guest, CPN- UML General Secretary Ishwor Pokharel said the constitution is a dynamic document therefore it will be amended as per the requirements and left out agendas of the workers will be addressed. He appealed to bring the demands and suggestions in written format which can be included in the constitution.



CPN – UML General Secretary Pokharel said some forces are trying to intentionally mis interpret the constitution. Pokharel further said the present protest in Madhes is incomprehensible and India had changed its attitude toward Government of Nepal from the time 16 point agreement was signed among the Nepali political parties. “They expect us to get their approval for our every action and we refuse to do so”, he said.

National pride and sovereignty cannot be compromised at any cost and CPN UML will not conclude any agreements which undermine the country’s sovereignty he said. Constitution of Nepal is liberal than most of the constitutions of the world on the issue of citizenship; however the citizen has to have natural citizenship to hold the office of the state as practiced elsewhere in the world he said

Speaking in the programme GEFONT President Bishnu Rimal said the revision of minimum wage, amendment of national labor law and social security fund system should help manage the labor sector. Therefore these three agendas should be



advocatedtogether President said.

President further said, GEFONT initiative to organize the Nepali migrant workers in foreign countries has given it a different identity in international trade union movement

On the structure of GEFONT, President said, after becoming federal, demarcation of federal states will begin and GEFONT will form its committees accordingly and directed the GEFONT zonal committees to prepare themselves and form an opinion regarding the matter.

Speaking at the Programme Dr. Dev Raj Dahal **Country Director of Friedrich-Ebert-**



Stiftung (FES), Prof. Dev Raj Dahal said citizens can enjoy the rights provided by the constitution only when the state is strong and appealed all to contribute to make a strong state. Dr.Dev Raj said even though the constitution is among the best in the world its success will be determined by its implementation. He also stressed on the need to have a production based economy and expansion of labour market to give job opportunities for Nepali youths in the country itself.

The programme has concluded adopting following 5 points proposal on the contemporary issue, labour issue and Minimum wage.

- The forum has condemned the move of India to block the check posts in the border. The undeclared blockade has hampered the day to day life of people said the forum and has asked the Government of Nepal to internationalise this issue.
- GEFONT has o demanded from the Government to proceed with the minimum wage review process; the process is supposed to be conducted in every two years and it has been more than two and half years since the last revision.
- The forum has welcomed the provisions under constitution for working class and has stressed on the need to implement these provisions and

demanded to process of amending laws as per the new provisions of the constitution.

- The forum has also demanded GEFONT to involve in the reconstruction phase post earthquake.
- The forum has also congratulated on the initial implementation of the constitution with the election of new President, Speaker and Deputy Speaker of the parliament.

6. Outcome

- Prime minister and Political leaders expressed their commitment to include labour issue in constitution
- Discuss and share the present political situation and labour market situation in changed context
- Share the constitution writing process and steps