

## Youth Students' Participation in Constitution Writing Process

Strategic/Preparatory Symposium for 2<sup>nd</sup> Phase

Organised by

Association of Political Science Students (APSS)/GTZ Federalism Support Programme

6 - 8 September 2009, New Horizon Hotel, Dhulikhel



### SUMMARY WORKSHOP REPORT

The Association of Political Science Students (APSS) organized a youth symposium on the Role of Youths/Students in Constitution-making Process. The symposium was held from 6<sup>th</sup> to 8<sup>th</sup> September in Dhulikhel. The objective of the symposium was to build capacity of the youth students to participate in the constitution-making process. Similarly, the symposium was aimed at developing an action plan for organizing events in Nepal's different campuses on the role of youths in the constitution-making process. A total of 23 youths/students from Nepal's 18 Campuses located in four development regions of Nepal participated in the event. The symposium was supported by the Federal Foreign Office of the Federal Republic of Germany through GTZ - Federalism Support Programme.

#### Program Introduction

President of the Association of Political Science Students (APSS) Mr. Rajendra Prasain highlighted some past events organized by the APSS in cooperation with the GTZ Federalism Support Program. Mr. Prasain described the positive impacts of the National Youth Conference and the National Youth Manifesto organized/prepared by the APSS. He said that the past activities of the APSS had

encouraged the youth Constituent Assembly (CA) members to form a youth caucus in the CA and to preserve the rights of youths/students in the future constitution.

Dr. Horst Matthæus, Program Manager of the GTZ Federalism Support Program, said that the main objective of the program was to discuss how youths/students could effectively design their next steps in regard to their participation in the constitution-making process. Mr. Matthæus expressed his belief that the symposium would help youths in preparing themselves for their interaction with the CA members during the second phase of public consultation. Mr. Matthæus also said that the symposium was organized to provide opportunities to the youths/students to develop their plan of action in a participatory way focusing on their own priorities.

### **Identification and Clustering of Special Interest Topics**

The participants identified the topics of their special interest individually, which were then discussed in the plenary session. The topics identified by the participants were clustered under five areas which were a) General questions, b) Party dialogue, c) Youth leadership, d) Human rights, and e) Education/employment and security. The special interest topics identified by the participants were reviewed/discussed on various occasions on the second day of the symposium.

### **Basics of Constitution and the Process/steps Followed by Nepal in Making the New Constitution: Presentation and Discussion**

Nepal's constitutional expert and lawyer Mr. Purna Man Shakya discussed the importance of a written constitution for Nepal and highlighted the significance of a participatory constitution-making. He attributed the failure of Nepal's past constitutions to the lack of people's participation in the process. He said that the success of Nepal's constitution-making process would set an example for the rest of the world, but the failure might be proved disastrous for the country. Mr. Shakya described the lack of political consensus on the fundamental principles of the constitution and the lack of the constitutional court as the major sources of contention. Mr. Shakya said that some issues such as form of government, language policy, definition of constituent units, boundaries of constituent units, fundamental rights, citizenship, etc. were the major area of contention in the Constituent Assembly. Mr. Shakya highlighted the role of youths and students in helping the Constituent Assembly members to overcome these challenges. He also said that the youths/students could play important roles in ensure public participation in all stages of the constitution-making process. Following Mr. Shakya's presentation, the participants raised their questions on various issues such as the timeline of the Constituent Assembly, the form of government proposed by the CA Committee, size of the federal and provincial legislature, citizenship, language policy, structure of judiciary, methodology adopted by the CA for public consultation, possible role of the youths in the constitution-making process, etc. The questions/issues raised by the participants were addressed by a panel consisting of the expert and organizers.

### **Group Work: What are the major challenges of participatory constitution-making in Nepal?**

The participants were divided into five mixed groups to discuss the issue. The conclusions of each of the five groups were presented in the plenary session. The major challenges identified by the

participants were: lack of consensus among political parties, lack of awareness among people, lack of peace and security, lack of people's effective participation in the constitution-making, lack of common understanding on federalism, ethnic and linguistic diversity, lack of participation of youths, etc.

### **Role of Youths/Students in Constitution-Making Process: Presentation and Discussion**

Mr. Madhav Basnet, Nepal's constitutional expert and lawyer discussed the importance of the participation/contribution of youths in constitution-making. Based on examples from some countries of the world, Mr. Basnet said that youths could play crucial roles in Nepal's constitution-making by participating in the interactions between the Constituent Assembly members and the people and by lobbying for common political understanding and consensus among political parties. Mr. Basnet expressed that the lack of effective participation of the people in the constitution-making process will result in severe problems as with the case of Nepal's past six constitutions. He said that the Nepalese youths and students need to play crucial role to ensure the success of Nepal's historical process to make the fundamental law of the land. He also encouraged the youths/students to direct their efforts and attention to the making of the democratic constitution for Nepal.

### **Discussion on Special Interest Topics**

Following the presentation, the participants further discussed their special interest topics listed in five different clusters to analyze how the topics were reflected in the expert presentations. During the discussion, the participants also raised their comments and suggestions on the constitution-making process and the role of youths. Different groups of participants highlighted some crucial and unresolved issues in the constitution-making process such as human rights and the rights of women, distribution of powers between different tiers of government, guarantee of education and employment, democracy within political parties, ways to ensure leadership opportunities to youths, ways to promote economic development in the country, etc.

### **Role of Women in Nepal's Constitution-Making Process: Presentation and Discussion**

Ms. Durga Sob, women and Dalits rights activist, discussed the role of Nepalese women in various political movements and the status of inclusion of women in governance, political institutions, and constitution-making process. Ms. Sob said that women have contributed to the establishment of democracy during various social and political movements including the recent People's Movement II. However, she said, the status of Nepalese women is still very low in cultural, economic and political spheres as compared to men. She said that the low status of women in Nepalese societies can be attributed to the traditional centralized state structure which provided no rights to women and deprived women from the access to crucial resources and opportunities. She expressed her satisfaction over some efforts from the state to promote the inclusion of women in governance and constitution-making, but strongly argued for more inclusion in governance and political institutions arguing that women should receive 50 per cent of all opportunities based on their share in the total population. She insisted, however, on the need to distinguish privileged from underprivileged women while distributing opportunities. Ms. Sob said that Dalit, Muslim, Madhesi and Janajati women were more in need of state's affirmative actions. She also highlighted the need of more effective participation of women Constituent Assembly members in the constitution-making process. Ms. Sob also highlighted the role

of youths and students in constitution-making process for using gender neutral language/terms in the new constitution and for promoting and protecting the rights of women.

Ms. Sob's presentation was followed by a brief discussion on key issues in regard to women's rights and their participation in the constitution-making process. The participants also discussed the possible roles of youths and students in promoting and protecting the rights of women in the new constitution.

### **Planning for the Next Steps**

At the end of the program, the youth students representing different university campuses of Nepal prepared their action plan to organize different types of events/programs in their respective regions or campuses. The youth students proposed various programs to: provide information to youths/students on constitution and constitution-making; ensure rights of education and employment to youths/students in the future constitution; protect cultures and languages of minorities; enhance people's informed participation in constitution-making; ensure elimination of all forms of discriminations based on caste, ethnicity, gender, region and languages in the future state structure; build people's capacity to identify and speak for their rights; build pressure to the Constitution Assembly members to promote effective participation of people in the process; provide knowledge/information to people on different aspects of federalism; etc.

### **Closing**

Dr. Horst Matthæus, Program Manager of GTZ –Federalism Support Programme, thanked all participants for their active involvement in discussions and interactions and in developing the action plan for the next steps. Mr. Horst said that the GTZ would look forward to receiving the detailed proposals from the participants which could then be reviewed for exploring possible partnership between the GTZ and youths/students. Mr. Matthæus thanked the Association of Political Science Students (APSS) for organizing the event and also thanked the GTZ staffs for their contribution to the program.

From participants panel Ms. Megha Shahi of Thakur Ram M. Campus Birgunj and Mr. Bishnu Gaire of Tribhuvan M. Campus Tansen, Palpa shared their learning and commitment to honestly work towards writing the democratic constitution. The closing was chaired by the APSS President Mr. Rajendra Prasain, and General Secretary Ms. Bindu Ban and Secretary Mr. Bibas Waiba thanked the participants from different 18 campuses saying that the APSS would express its deeper interest to work with locally-active youth-students activists and their respective organisations.

For detail programme, please contact:

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