

An open Letter to the Top Political leaders

During the end of the Dashain festival of this year, a ray of hope was spread among the Nepalis, who were used to hear the hopeless news of misunderstanding among the parties. The senior leaders participated in the Tea Reception organised by NC delivered the message that the existing political stalemate would end as soon as possible. Right the next day CPN-UML organised the Tea Reception where the Chairman of the UCPN-M Comrade Prachanda's expression, *'The campaign of ending the deadlock began from the Tea Reception Programme organised by NC would end before the Tea Reception to be organised by the UCPN-M at the end of Tihar festival and the country would get an outlet'* made the general public and the representatives of the working class euphoric and enthusiastic.

Whether it is the transitional phase of Multi Party Democracy after the Autocratic Monarchy or following the astonishing uprising of 2006, we distributed the dream of 'Singapore and Switzerland' to the common people. Believing our commitment to 'go hand-in-hand for decades', the people may have given the mandate through the dissolved CA election that no party would be able to impose its monopoly. However, we failed to draw consensus and the people could not feel the real change.

Time and tide waits for none. With the span of time, you have also been unknowingly reducing a day of your life after a single day passes without consensus. Why does this happen? Can't we do anything in reality? Are we not in a position to go hand-in-hand at all?

It is learnt that the country would not become failure in itself. Because of the arrogance and misunderstanding among the leaders of the competitive political parties, the structures of the state, though unwillingly, happened to be destroyed one after another. Let us view upon our situations: The Constitutional Commissions are going to be vacant; The Supreme Court is going to be sans the Justices; There is no People's representative body; Economic activities are almost 'paralysed'; There is no regular budget, even the one-third of the budget is going to be over but still there is a big debate regarding the nature and process of the remaining budget.

We are worried that whether we are also being pushed towards the 'journey of failed state?!' Nepalis, struggling on the lap of Himalaya, used to be shocked even to hear the news of misunderstanding among the struggling forces in Middle East, Afghanistan or African countries a few years ago. We used to criticise them. May be, the whole world that was appreciating our success behind 2006 movement seems to be shocked at present and criticising us, "What a hell the Nepali leaders are! They have spoiled a beautiful country!"

You are our own leaders. Perhaps you are more visionary than us and you deserve the capacity of having long-lasting vision too. How do you address our concerns? How would we convince the millions of members working in the world of work?

You have been urging us to blame and praise as per the amount of faults and qualities of the leaders respectively. You don't like to be accused in general. We also agree to your opinion. The criticism or appreciation must be on the basis of 'quality and fault'. Whether you failed to convince the competitive leaders of your quality or could not come up your own assumption to draw the appropriate 'understanding', still there is misunderstanding in the politics. Therefore, can we claim that you are solely responsible for the present deadlock as the leaders of the major political parties?

Our common interest is to end the deadlock by finding solution of the problems. We believe that our leadership must have known better than us that the economic and infrastructure development could not take its smooth pace as expected due to elongated political transition. Even the existing industries are being closed one after another. Because of impunity the crimes are being institutionalised economically, socially and politically too. The rocketing price hike has caused the workers' life more complicated than ever before. How could we assume that our leadership is unaware of the fact that millions of Nepalis youth have been forced to find their destiny at the deserts of golf countries due to unemployment inside the country?

The representatives of the workers present here in the programme have requested us to ask, 'Are the trade unions the cause behind the closure of various industries including public corporations?' The voice also seems to be raised against the expression of some senior leadership of the parties who sometime even declare, 'The trade union is more than enough'. What we believe is that the world of work of Nepal is the most 'constructive' in the South Asia. Had the Agreements and legal provisions been effectively implemented, the Nepali workers would be more disciplined and productive too. The World Bank has recently published the global report 2012 in Doing Business. The Doing Business has specified 14 points as the basic or the obstacles of the business. In our country, 'the instable government and ad-hoc policy, poor infrastructure, inefficient administration and corruption including others' have been depicted as the main obstacle for the business environment. The Doing Business states that the labour problems have reduced from 7% to 6.6% in 12 years period. We think the leaders of the political parties should realise the fact.

We are also committed to the ideal that there should be no obstacles in world of work. We also want business and industries run smoothly along with promotion of 'employment-service-production'. We tried our level best to uphold these objectives. This is why, instead of social security system based on 'Permanent employment' we agreed on social security system based on contribution. Which country's Trade Union would tacitly agree the 1% tax in the workers' wage imposed by the government through budget, at a time when there was neither rules nor the decision about the contribution of the state and the employers? However, we agreed such provision even without caring the position of the parties, in the government or in the opposition. Isn't it a constructive contribution of the Nepali trade unions?

Through the frequent meetings held with the employers from March 2011 to October 2011, the understanding was reached to implement social security system. The understanding has the provision that the Social Security Fund would be established by including 20% contribution from the employer and 11% of the worker. The workers have been depositing the amount in the government's account even by cutting their basic need for four years now. Even the agreement was made to allow the employers themselves to keep the share of the daily-based workers' wages, to be included in the Fund, with them. We agreed on the Draft of the Social Security Fund Bill with a pious motif that there would be no unrest in the world of work and we could contribute upon the economic revolution, a slogan of the political parties. Unfortunately, the Bill drafted under the tripartite agreement of the workers-employers-government is collecting the dusts without implementation.

Not only these, we also proposed to settle the grievances through Labour Commission with a view to reducing or ending the strikes. Learning from the experiences of the developed countries, we not only have been frequently raising the voice for the constitutional provision of the Labour Commission with quasi judicial rights, but also have almost prepared its operating procedure involving the concerned Ministry too. We also agreed with the employers' organisations for completing the labour market reform process commenced since a few years ago for strict implementation of the law so that no labour dispute would be created.

However, we have need of a mechanism that would play the role of Legislative Parliament in order to address these 'agenda' of world of work at the earliest possible. The present political misunderstanding has become an obstacle for this. Therefore, the immediate end of the political deadlock is the need of the trade unions.

Once again we would like to reinforce that we, the trade unions, have been displaying our role as the active engine of the each and every movement carried out under your leadership. The world of work is sad with the attitude that *'when there was poor show in the street, we were urged to line-up in the front line of the movements leaving everything aside but when the good day is began, we have been limited to obey what the leadership says'*. We expect balanced attitude and behaviour of the parties between the employers and the workers. Therefore, once again we would like to remind the issue of 10% representation of the workers in each elected body of the state, which was also agreed by all the senior leaders when the CA was alive. We would also like to clarify our common notion that if only the agenda proposed by the JTUCC as the agenda of the Nepali world of work in three categories: Rights and Protection, Representation and Suggestions on Commission are scripted in the new constitution, it would be labour friendly.

Still, the end of political deadlock is quite essential for addressing the abovementioned issues. Let us briefly discuss on the contentious issues:

1. We have heard that the understanding has been reached among the political parties on Form of Governance, Election System, Judiciary, Size and level of Legislature Parliament,

types of Government as Local-Provincial- and Central. Is it true? If so, why don't you conclude these issues strongly? If still the understanding is to be made on these issues, let us particularly know the issues which are contentious and interrelated? What is your proposal to address these issues?

2. 'Federalism' is the common commitment of all the Nepali. We believe that democratic system of governance, federalism with capability and identity and the constitution with guarantee of federal structure is the common minimum understanding of all the four political forces presented here in the programme. As far as we believe, the dispute is focused on *Nation-hood vs. state-hood!* The type of the names- for example whether is based on single ethnic, or it multiple, or be it two-nation states or the multi nation-states only? If the number of the provinces and method to demarcation if the only the issues of dispute, why can't we end the present deadlock through Referendum or Technical Commission or Provincial Assembly to be formed in the future? Apart from these, what is the common proposal left with us to come out of the present indecisiveness? We would like to ask on the behalf of all the working people, what are the bottom-line of four major parties to agree on these issues?
3. The main aspect of the present dispute is regarding the process to end the deadlock after the CA was unexpectedly demised. In this situation, four political parties have their own stance and assumptions. At the same time, they have also common understanding in so many issues. If the publicised opinions are to be accumulated together, they are like these:
 - To take fresh mandate. To write new Constitution through new structure
 - To revive the CA for a short period and declare the agreed issues. Remaining contentious issues to be considered as responsibility to be completed in the future.
 - To find out the common understanding of outlet by organising Round Table Conference
 - To discuss on any above alternative only after the resignation of the government
 - To change the government only after the understanding is reached in package itself
 - To promulgate the Constitution by striking consensus on the fundamental issues of the Constitution and go ahead by forming national consensual government after ousting the present one. Or, if the fundamental issues of the Constitution cannot be agreed, the present government to be changed into a form of national consensual for holding fresh election.
 - To form a new government under the leadership of 'neutral' figure for holding fresh election etc.

So many other proposals are entangled even inside these proposals. For example:

- If holding fresh election, which is the election to be held?
- What will be the size of the new Constituent Assembly? How would the First-Past-the-Post and Proportional Representation number be fixed? How would the constitutional

complexity regarding the voters be finalised? How to appoint the Chief Commissioner and Commissioners of the EC? How to form the national consensual government?

- If the CA is to be revived, what process should be adopted? How to ensure its legitimacy?
- For the alternative of Round Table Conference, how to select the participant parties concerns? How to verify its legitimacy?
- How to determine the bases, procedures and legitimacy that the neutral figure shall face the existing challenges?

It is obvious that there is a heap of challenges whatever the alternative is chosen by the parties. Is there any package with our leadership to cross these challenges? What are the issues to be comprised in the Package?

Whoever can rescue the country from the crisis, he/she will definitely create a history. The capacity of the political leadership is also tested at crisis. The country is expecting such efficient leadership at present. The World of Work expects the senior leaders participated in today's programme shall be able to end the current political transition at the earliest.

*(Published in Nov13, 2012 in Kantipuir daily-
it was summary of keynote delivered at JTUCC programme held at Nov 12, 2012)*