



The Scottish Parliament
Pàrlamaid na h-Alba

Post Legislative Scrutiny, Westminster Foundation for Democracy

March 2024, Nepal



Martin Whitfield MSP

Introduction

1. The Scottish Parliament was invited to visit Nepal on a Peer-to-Peer Study Programme, focusing on Post Legislative Scrutiny and standards and processes within the Scottish Parliament by the Westminster Foundation for Democracy.
2. Martin Whitfield MSP agreed to participate in the visit which took in three legislatures in Nepal, the Federal Parliament, Madesh Provincial Assembly and Karachi Provincial Assembly.

3. The visit aligns with the aims of the Parliament's International Strategy to provide opportunities for the continuous professional development of MSPs and officials through meetings and discussions with elected Members and officials in other legislatures and organisations and showcase and develop the policy, procedural and corporate knowledge of MSPs and officials through international collaboration and engagement.
4. The Convener's Group has agreed that promoting greater use of post-legislative scrutiny in committees is one of its strategic priorities in this parliamentary session. As a member of that Group, Martin Whitfield MSP has contributed to the development of the plan to achieve this goal.

Recommendations

5. The concept of broadcasting the Chamber on a big screen outside the Parliament building was an interesting one. The reasons for doing this, pros and cons and feedback on the impact it has had on public engagement can be collated and passed on to colleagues in teams involved in the Scottish Parliament's public engagement work.
6. The visit highlighted a number of approaches to post-legislative scrutiny, including the possibility of enactments of one legislature being examined by another legislature. The learning gathered during the visit should be highlighted to officials supporting committees considering post-legislative scrutiny to allow different approaches to be evaluated.
7. Some Scottish Parliament enactments have included provision for evaluating their effect and setting a timescale within which a review must take place or, for example, a provision would be repealed. The visit highlighted different approaches to such measures, including the possibility of including such provisions in each enactment. Again, this experience should be highlighted to officials supporting committees considering post-legislative scrutiny.
8. Work with the WFD helps the IRO to contribute to continuous professional development opportunities for both Members and officials. IRO officials will work with colleagues to continue to explore how best to make use of such opportunities as part of the overall programme of development opportunities available to Members and staff.

Purpose

5. The primary purpose of the trip was to share the experiences of the Scottish Parliament in relation to Post Legislative Scrutiny and process and procedures with the Nepali Federal Parliament and two provincial assemblies, Madesh and Karnali. This will allow the Member to gain experience in an international setting, build his network, develop his

knowledge of PLS and parliamentary procedures within another context and add to his professional development.

6. Alongside this, the trip will allow the Head of International Relations to understand if working with WFD to offer CPD opportunities for both Members and officials is worthwhile.

Background

7. Part of the International Strategy is to provide opportunities for the Continuous Professional Development of MSPs and officials through meetings and discussions with elected Members and officials in other legislatures and organisations and showcase and develop the policy, procedural and corporate knowledge of MSPs and officials through international collaboration and engagement.
8. In order to deliver this part of the strategy the Head of International Relations is looking to develop strategic relationships with organisations such as WFD. WFD offer the opportunity for both Members and Officials to support legislatures around the world enabling them to develop their own skills. These programmes are funded by WFD.
9. This trip will be used as a test case to understand if these sorts of opportunities help to develop both Members and officials.

Programme

Monday 11 March 2024

Meeting with Westminster Foundation for Democracy

10. Martin Whitfield MSP met with Dinesh Wagel, Country Director for WFD and Prem Lamichhane, Programme Manager for WFD. They gave an overview of the political situation in Nepal, giving detail about some of the challenges at both federal and provincial levels.
11. Dinesh outlined the role of Post Legislative Scrutiny and how this had been written into law in Nepal, ensuring that PLS took place after 5 years of a law being enacted.
12. Dinesh outlined the programme for the week.
13. "Dinesh was clear in the visits intentions, timetabling and dealt with the potentially challenging situation of caste system and under representation of the Dalit community. His in-depth knowledge of Nepal democratic situation and knowledge of individuals we were to meet was both instructive and started to develop my confidence in the on the ground organisers."

Tuesday 12 March 2024

Meeting with of Mr Bhola Paswan, a Dalit activist and writer and Ms Mamta Baitha, women's activist

14. This meeting provides the opportunity to hear about the issues of the Dalit community and why it is so important to conduct PLS on the Dalit Act.
15. "Mr Bhola Paswan has a lifetime of experience championing the Dalit community. His knowledge of the challenges of Dalit gaining citizenship and the need for citizenship to register to vote was stark. In addition the challenges with education which in theory is funded for the Dalit community through to Masters level but the reality of no schools and no teachers removes this opportunity."
16. "Ms Mamta Baitha represented the powerful new voices from the women of the Dalit community. Her lived experience was both enlightening but also troubling given the struggle both she and the community have had and face going forward."



Martin Whitfield MSP, Mr Bhola Paswan, a Dalit activist and writer and Ms Mamta Baitha, women's activist

Meet with Hon. Mr. Ram Chandra Mandal, Speaker and with the Women, Children and Social Justice Committee

17. Martin Whitfield MSP gave a presentation on Parliamentary and committee processes and practices at the Scottish Parliament, with an emphasis on PLS. Jennie Chinembiri then presented on support given to Members at The Scottish Parliament. A full discussion followed these presentations.



Martin Whitfield MSP, Hon. Mr. Ram Chandra Mandal, Speaker and Hon. Ms. Rupa Kumari Yadav, Chair (Madhesh Assembly)

Meet with Rani Sharma Tiwari, a member of Madhesh Provincial Assembly, and Upasana Tiwari, Executive Director of the Women Empowerment Mission

18. The Women Empowerment Mission (WEM) is an autonomous, non-profit making, non-racial and non-political, Non-Government Organisation established by grassroots women in 2008. It was formed to support rural women as the center-point of development by development of awareness of women and empowering them. It is a provincial organisation based in Madhesh.

19. A discussion was had around how to engage women voters. WEM use a network of 20,000 women across the region to educate other women on the importance of voting. The challenges include economic disadvantages and cultural issues of women not being allowed out of the house without the permission of a male member of the family.

20. "The passion and energy of the WEM was testament to both the challenge ahead but also the desire to see a better tomorrow. The organisational skill on relatively small budget and the outreach was impressive."



Martin Whitfield MSP, Upasana Tiwari, Rani Sharma Tiwari

Wednesday 13 March

Observe Chamber Business, Karnali Provincial Assembly

21. The delegation was invited to observe the opening session of the Assembly. Martin Whitfield MSP was the first non-Nepali to observe business.

Meet with Hon. Ms Nanda Gurung, Speaker, Hon. Ms Yasoda Neupane, Deputy Speaker and Mr Jeevraj Budhathoki Head of the Provincial Assembly Secretariat

22. The delegation was welcomed as the first visit of an overseas delegation to the Assembly. The Speaker took the opportunity to give an overview of the Assembly and the political environment in Karnali. The Assembly has 5 parties, and each whip gave a speech at the opening ceremony, there were therefore no questions and answers.

23. The discussion covered session times, private members bills and its process, the process for scrutiny of government – both Chamber and Committee, broadcasting outside of the Assembly, the support for Members, Karnali Members have no staff to support them. **It is recommended that the concept of broadcasting the Chamber outside the Parliament on a big screen be fed back to Broadcasting colleagues.**

24. “It was powerful to hear from both the Speaker and deputy Speaker who have a shared passion for the Assembly and the power it can do going forward for the communities of Karnali. The Speaker past on her regards to our Presiding Officer.”



Martin Whitfield MSP, Hon. Ms Yasonda Neupane, Deputy Speaker and Ms Nanda Gurung, Speaker of Kanarli Assembly

Thursday 14 March

Meeting with the Social Development Committee, Kanarli Provincial Assembly

25. Martin Whitfield MSP gave a presentation on Parliamentary and committee processes and practices at the Scottish Parliament, with an emphasis on PLS. Jennie Chinembiri then presented on support given to Members at The Scottish Parliament. A full discussion followed these presentations.

26. Time was spent discussing if PLS of one legislature looking at another legislature acts could be done. It is recommended that this be explored as to its practicality and any potential process.



Martin Whitfield MSP and Mr. Ghanshyam Bhandari, Chair of Social Development Committee, Kanarli Provincial Assembly

Dinner with British Ambassador Rob Fenn at the Residence and Embassy's Governance Team with WFD Nepal Staff

27. The Ambassador welcomed the group, Martin Whitfield MSP was able to discuss the geopolitical position of Nepal sitting between China and India and the influence of finance. We also discussed the recent changes at Government level within Nepal and the effect on the short and longer political cycles in Nepal. We also discussed the celebratory year of Nepal and the UK's commitment to the country.

Friday 15 March

Meet with the Women and Social Committee, House of Representatives

28. Martin Whitfield MSP gave a presentation on Parliamentary and committee processes and practices at the Scottish Parliament, with an emphasis on PLS. Jennie Chinembiri then presented on support given to Members at The Scottish Parliament. A full discussion followed these presentations.

29. "This was the most formal of the meetings with committees arranged on the trip and allowed the members to make Party Political contributions as much as discussing the role of PLS."



Members of the Women and Social Committee, House of Representatives

Meeting with the Federal Parliament Secretariat staff

30. The Secretary to parliament, gave an overview of PLS in the Federal Parliament. PLS is written into their constitution, and they have been doing PLS for several years but under a different name. This session they have carried out PLS on 5 acts. Clear success criteria have been written into each law that is passed. **It is recommended that the Scottish Parliament consider implementing success criteria and a timeframe within each of their acts.**

31. The challenges the Parliament face, are around the lack of rule of law, the Parliament is not independent of government and lack of resources and expertise. They are currently trying to formulate a procedure for PLS.

32. Martin Whitfield MSP gave a presentation on Parliamentary and committee processes and practices at the Scottish Parliament, with an emphasis on PLS. Jennie Chinembiri then presented on support given to Members at The Scottish Parliament. A full discussion followed these presentations.

33. "This wide-ranging technical discussion on PLS was both informative and stimulating. The challenge of resource was addressed as was to some extent the change in elected individuals across Parliament and the role of PLS. The Parliament is rightly proud of the strong innovative steps it has taken especially with hard wiring into prospective legislation the commitment to PLS and also give a guide to what success of the legislation would look like."



Martin Whitfield MSP presenting to Secretariat of the House of Representatives

Meeting with former Members of the Federal Parliament

34. A wide-ranging discussion took place around the place of PLS in both Nepal and Scotland. Discussions were had about how to embed it within both contexts and to ensure the most value of PLS.

35. The contribution of recently former members of the Parliament and Government gave a strong insight into the value PLS has within Nepal parliamentarians. This highlighted the very political nature of PLS. Martin Whitfield MSP posed the question of PLS of another parliament's legislation. There was a discussion as to the need for but current lack of a framework to do this and the challenge of the political tension it would cause. Dr Devkota pointed out the challenging relationship between SG and UK Govt.

36. Dr Devkota also raised the reality of identity politics and the challenge this throws up for PLS and indeed federalism



Martin Whitfield MSP with previous Members of Nepal Federal Parliament and WFD Staff

'An Umbrella Organisation of Nepali feminist Dalit Organisations'

37. The organisation covers 30 districts out of 77 and they are affiliated to 36 NGOs. They work for policy debate and dialogue, working on different campaigns to support the Dalit, particularly Dalit women.
38. This organisation began to protect the law that says Dalits need to be represented in Parliament. There are several areas where there are no Dalit's so there is a risk that the provision in the law will be removed.
39. "This meeting was a powerful reminder of the work to support communities with registration and supporting candidates to stand. It was also a powerful example of why the courts being asked to enforce existing legislation can be so important."



Martin Whitfield MSP with the President and Vice President of 'An Umbrella Organisation of Nepali feminist Dalit Organisations'

Feedback

“This trip was a unique opportunity to meet with Parliamentarians and community activists who are defending democracy from some of the myriad of attacks it faces across the globe. The opportunity to sit and discuss the challenges of identity politics, of devolved Parliaments, barriers to registration and voting as well as powerful tools such as PLS was both enlightening and educational. The challenges democracy faces are different but this trip showed the shared need to support each Parliament in its own battles but also a universal need to better understand Parliamentary challenges to democracy and share good practice.

The support, knowledge and understanding of WFD on the ground was phenomenal. But for their contacts and work with communities our insights would have been far more shallow and less valuable. They were also able to bring a colour and depth to complex issues which was enlightening and nuanced.”

Conclusion

The primary purpose of the visit was to share with Nepali colleagues what the Scottish Parliament has been doing in regard to Post Legislative Scrutiny. Presentations were given on four occasions to outline PLS from a Members

perspective and another outlining what support was given to Members. Whilst the initial view was the Scottish Parliament would be sharing learning it quickly became apparent that there was a two-way exchange around PLS.

WFD Nepal, hosted the delegation which enabled a number of conversations around what WFD Nepal strategic priorities are and how visits such as these supported them in delivering these priorities. It also enabled the delegation to gain a greater understanding of the Parliamentary and political environment in Nepal.

The delegation was able to meet a number of people in Nepal, increasing their network and enabling them to follow up on conversations. The support WFD Nepal gave was highly valuable and very professional. It is clear that working with WFD in order to allow both Members and officials Continuous Development Opportunities should be seen as a priority.

International Relations Office

March 2024

Annex A

Programme

Monday 11 March 2024

13:00 Lunch meeting with Dinesh Wagel, WFD Country Director and Prem Lamichhane, WFD Programme Manager

Tuesday 12 March 2024

13:00 Hon. Mr. Ram Chandra Mandal, Speaker and with the Women, Children and Social Justice Committee
Presentation on Parliamentary and committee processes and practices at the Scottish Parliament, with an emphasis on PLS.

16:00 Transfer to Hotel

17:00 Meet with Rani Sharma Tiwari, a member of Madhes Provincial Assembly, and Upasana Tiwari, Executive Director of the Women Empowerment Mission (WEM), a local NGO. [Rani founded and led WEM before being elected to the assembly in 2017]

Wednesday 13 March

15:30 Observe business at Karnali Provincial Assembly

16:00 Meet with Hon. Ms Nanda Gurung, Speaker, Hon. Ms Yasonda Neupane, Deputy Speaker and Mr Jeevraj Budhathoki Head of the Provincial Assembly Secretariat

Thursday 14 March

10:30 Meeting with Social Development Committee

Presentation on Parliamentary and committee processes and practices at the Scottish Parliament, with an emphasis on PLS.

18:30 Dinner with British Ambassador Rob Fenn at the Residence, and Embassy's Governance Team with WFD Nepal Staff

Friday 15 March

08:00 Meet with the Women and Social Committee, House of Representatives.

Presentation on Parliamentary and committee processes and practices at the Scottish Parliament, with an emphasis on PLS.

10:15 Meet with the Federal Parliament Secretariat staff

Presentation on Parliamentary and committee processes and practices at the Scottish Parliament, with an emphasis on PLS.

11:15 Meeting with the Babita Mishra, Head of Division, International Liaison and Coordination Division, Federal Parliament Nepal [Jennie]

12:15 Lunch with the Nepali PLS experts and former parliamentarians, Parsu Rram Meghi Gurung, Former MP and Chair of Legislation Management Committee at the National Assembly, Khimlal Devkota, former Constituent Assembly Member, Dr Khimlal Devkota, National Assembly Member (will retire next month) and Dr Bimala Rai Poudyal, National Assembly Member and former foreign minister (will retire next month), Dr Arjun Kumar Khadka, Joint Secretary, Government of Nepal -Dr Bharat Raj Gautam, former General Secretary, Federal Parliament

To hear about the PLS work in Nepal and share the Scottish experience on PLS.

14:30 Meet with President and Vice President of 'An Umbrella Organisation of Nepali feminist Dalit Organisations'

16:30 Interview with WFD