Functioning of Federal Parliament of Nepal amidst the COVID-19 Pandemic

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Abstract

Having endured earthquakes and other disasters, life across the country has been exacerbated from the global pandemic of Corona Virus (COVID-19). Until late May, Nepal was an outlier in South Asia and the whole world for its low number and slow rise of confirmed COVID–19 cases. The pandemic, however, has increased rampantly after tens of thousands of migrant workers began returning home from neighboring countries especially India and other parts of the world.

Moreover, until November 22, 2020, the worldwide total COVID–19 cases is 58,508,271 with death toll 1,386,729. In the same time in Nepal, (Nepal's case) it is tally, over 218,639 with 1,305 deaths. Since most of the infected have been youth, the death rate seems anomalously low. However, the pandemic has deeply affected in various areas, especially, economy of the country. For example, tourism, a source of both employment and foreign exchange, has come to near standstill. Additionally, remittance sent by Nepali workers abroad-which accounted for nearly 26 percent of the country's Gross Domestic Product (GDP) in 2019, have significantly declined due to the global economic downturn.

Likewise, at the time of crisis, it has been a great challenge for conducting regular business of the Federal Parliament and its Committee's activities with effectively and systematically. Furthermore, different countries have different ways of running their parliaments at the crisis. For instance, some countries have changed their laws to allow the virtual meeting of the Parliament. The cause is that the Parliament is the only space where peoples' voices and sufferings can be heard and ways to resolve the current problems facing in the country, which must be discussed deeply. And at the crucial time of difficulty, the Parliament must not remain a mere spectator. Thus, the Parliament should play a vital role in monitoring, supervision and scrutiny of the Government response to COVID-19.

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Background

On March 11, 2020 the World Health Organization (WHO) declared COVID-19 a global pandemic. It is a rapidly evolving global health crisis with the number of confirmed cases and deaths around the world increasing on a daily basis. In a time of crisis, the role of parliament is more vital than ever to pass emergency laws, allocate resources and scrutinize government actions. According to the Inter-Parliamentary Union (IPU*)'s Centre for Innovation in Parliament based on research and data supplied by IPU Member Parliaments directly,* there are the following parliamentary practices around the world:

- Parliament continues to meet physically, but with restrictions. These restrictions may include: fewer sittings of plenary sessions or committees; fewer parliamentarians and staff in the building with some working remotely; changes to the venue of parliamentary meetings, for example using a bigger building that allows for more effective social distancing.

- Parliament continues to meet virtually using remote working methods. Technical infrastructure for remote meetings is widely available through commercial providers. Many parliaments are exploring options for remote working tools. This raises a number of issues, including the legal basis for remote working, security and authentication. Another factor is the capacity of parliamentary staff to put in place new solutions while being subject to social distancing measures themselves.

- Parliament does not meet. This may be the case, for example, when parliament is in recess, and so would not normally in meeting. Some parliaments, such as the United Kingdom, have taken an early recess, after voting through a number of emergency measures. Others, such as New Zealand, have changed their operating procedures so that a special committee sits, rather than the whole house. Lack of political will or technical capacity can also prevent a parliament from sitting.

In the context of Nepal, the Federal Parliament was adjourned following the global pandemic, we had expressed our readiness for the role of the Parliament and to troubleshoot the problem, the concept of Virtual Parliament came to the light. The cause is that the existing laws as well as technological constraints do not allow it to conduct formal meetings.

Basically, there are three main factors acting as hindrances for holding virtual meetings. First, there is no provision regarding virtual meetings in the existing regulations of Federal Parliament such as the House of the Representatives Rules, 2018. Second, the Federal Parliament is not well equipped with the technology for such meetings; and third, it is a huge concern regarding security and privacy of the Parliament.

Also, the authenticity of the decisions taken through virtual meetings could be questioned due to lack of regulation in place. Therefore, it has opted to hold meetings in person by maintaining safe distance measure among the lawmakers as prescribed by the WHO.

Major tasks conducted amidst the Pandemic

Frequent talks were held with the Coordinator of the High-Level Coordination Committee for the Prevention and Control of COVID-19. The Rt. Hon'ble Speaker of the House of Representatives and the Rt. Hon'ble Chairperson of the National Assembly discussed to Speakers of all seven provincial assemblies in order to sort out the roles of people's representatives during this pandemic. All of them had shared the current situation of their respective Provinces. In addition to this, encouraging feedbacks were also received to work together. Likewise, the Rt. Hon'ble Speaker of the House of Representatives and the Rt. Hon'ble Chairperson of the National Assembly conducted with several meetings with internal team of the Federal Parliament Secretariat with regard to the parliamentary responses to the pandemic. Other prominent tasks include:

A. Inspection of COVID-19 risk level by a medical team

The Rt. Hon'ble Speaker also had a meeting with a medical team from the Department of Health Services stationed at Teku, Kathmandu. On April 30, 2020, a group of medical team visited the Federal Parliament building to inspect the COVID-19 risk level.

Objectives of the Inspection

Basically, there are three prominent objectives with regard to this inspection:

- To inspect the preparedness for minimization of risk of COVID-19 before the session of the Federal Parliament

- To measure the level of risk of COVID-19 infection in the plenary venue (by WHO standards)

- To provide counseling for preparedness required to enhance the safety

Facts observed during the inspection

- Same gate being used for entry and exit from the Parliament building

- No arrangements for taking temperature at the entrance

- No arrangements for washing hands facility before entering the building or the plenary room

- No display of informative materials about Corona Virus and the measures to be protected from it

- No indicative signs for emergency exit

- Seating arrangement doesn't ensure a distance of minimum one meter

- Central AC was being used

- 1-meter distance is maintained at the seats of Presiding Officers

- The top of the mics is covered by a foam cover which presents risk of transmission

- No exhaust fans but doors provide cross ventilation

- Number of chairs in the office of Speaker/Chairperson increase the risk of transmission, no cross ventilation

- Provision to accommodate only one person in isolation room, provision of oxygen

- Seating arrangements of four chairs per table in the canteen doesn't allow for adequate physical distance and creates face-to face sitting

Overall recommendations by the team

- Different entry and exit gates should be used

- Installation of thermal scanner camera at each gates

- Mandatory inspection for possible symptoms of all the participants of the sessions

- Increment in isolation wards

- Identification and coordination with hospitals with isolation wards besides Civil Service Hospital

- Central AC of Parliament building not to be used

- Adequate arrangements for washing hands before entering the plenary

- Displaying informative materials about Corona Virus at strategic locations

- Two seats to be left vacant between two members

- Using own mics as far as possible

- Regular cleaning of handles of all doors and railings at the stairs

- Opening all the doors during the entire time of the sitting

- Restricting entry to essential individuals only

- Elder members to seated close to the doors to the extent possible

- Availability of hand sanitizer at each desk

- Mandatory use of medical masks by everyone at the hall

- Chlorination of plenary room before and after each sitting

- Frequent cleaning of toilets than usual

- Arrangements to be made in canteen such that only one person is seated per table

B. Inspection of COVID-19 risk level by parliamentarians before the first session

The Rt. Hon'ble Prime Minister KP Sharma Oli paid a visit to the parliament building after consulting with the Rt. Hon'ble Speaker of the House of Representatives and the Rt. Hon'ble Chairperson of the National Assembly. The Prime Minister had inspected the meeting hall to make necessary preparations for the parliamentary meeting amid fears of COVID-19.

As the government was preparing to call the budget session, the secretariat had expedited necessary precautionary measures for the prevention of COVID-19 spread.

According to the provision in the constitution, the annual budget should be tabled at the Federal Parliament on Jestha 15 every year with regard to the Nepali calendar. Before that, discussions should be held on policy and programs and pre-budget.

C. Precautionary measures adopted in parliamentary proceedings

- PCR testing of the Members of Parliament as well as the affiliated parliamentary staffs, security personnel and media personnel

- During the parliamentary session, Members of Parliament visiting out of the valley must undergo PCR tests again.

- Arrangements for washing hands facility with soap and water in the main entrance to the parliament building

- Health personnel were stationed before the entrance to the plenary room to check the temperature and provide sanitizer and masks before entering

- Inside the parliament building, each and every seat, microphones, documents, plenary hall, committee and other rooms were disinfected thoroughly.

- Social distancing measures were ensured in the plenary hall

- Movable seats were moved and fixed seats were marked "vacant" and "usable" such that a distance of 1.5 metres to the left and right and 1.3 metres to front and back have been maintained between MPs

- The space and seats previously allocated for audience were used to accommodate the MPs in order to address the need for more space and seats

- Each MPs were required to use only the microphone assigned to their seats and disposal arrangements were made for used masks and other items

Achievements amidst the Pandemic of Corona Virus

- The Constitution of Nepal (Second Amendment 2077) bill was adopted incorporating Nepal's New Map with Limpiyadhura, Lipulek and Kalapani

- Pre-budget discussions were held in the House of Representatives on May 10, 11 and 12 this year.

- Rt. Hon'ble President presented the annual policies and programmes of the government to the joint sitting of both Houses of the Federal Parliament

- Annual budget for FY 2020/21 presented to the Parliament by Hon'ble Minister for Finance

- The Rt. Hon'ble Speaker of the House of Representatives and the Rt. Hon'ble Chairperson of the National Assembly conducted virtual session with Provincial Speakers and Deputy Speakers about the impacts of Covid-19 to the plenary sessions

- Thematic committees are conducting informal meetings virtually using IT

- Likewise, formal meetings are being conducted by taking into consideration the mitigating measures of the level of Covid-19 infection

- Thematic committees presented their annual reports of the fiscal year 2076/077

- A total of 11 bills have been passed and ratified by both the houses

Challenges put forth by the Pandemic

- **To conduct parliamentary plenary session:** The COVID-19 pandemic has created unique challenges for the continuity of parliamentary functions. Initially, COVID-19 cases were very low with minimal deaths. However, due to the

rampant increase in COVID-19 cases and the emergence of the Kathmandu Valley as a hotspot for Corona Virus, it is obvious that commencing Winter Session would be an arduous task.

- **To manage mobility of members of parliament:** The members of parliament of the corresponding committees often visit to different parts of the country for monitoring. The increment in COVID-19 cases among the committee members as well as related parliamentary staffs shows that more precautions and effective preventive measures should be adopted during their mobility with the goal of limiting transmission, while allowing parliaments and parliamentarians to fulfill their roles of representation, legislation, and oversight.

- **Technical challenges:** The concept of virtual parliament could be legitimized in adherence to the other countries which have started to sit parliamentary sessions virtually. However, remote working in parliaments can present challenges for IT departments, which are responsible not only for maintaining operational systems but also for implementing additional technology to deal with new circumstances.

Learning From National and International Experiences

- It is possible to conduct parliamentary plenary sessions by adopting adequate and appropriate precautionary measures to prevent widespread of COVID-19.

- If appropriate measures are not taken, social distancing is unlikely to succeed, increasing the mortality rate and causing other losses.

- Limiting physical work attendance to essential staff has reduced risk of transmission of the virus.

Parliamentary Preparedness to Preserve the Funtionability of Parliament

- The Federal Parliament Secretariat has started preparations for the Winter Session of the parliament at a time when the COVID-19 pandemic is at its peak.

- According to the article 93 of the Constitution of Nepal, the interval between the two consecutive sessions shall not exceed six months.

- Since the annual budget session of the federal parliament ended on July 2, the Winter Session has to be started by January 1.

- The session will begin after the President convenes a meeting following the recommendation of the Council of Ministers.

- The Secretariat, in consultation with the political parties, is preparing to appeal to the parliamentarians who are showing symptoms or are in doubt to be more vigilant when attending the meeting.

- The seats prepared earlier will be kept at a wide distance and the space reserved for spectators and special people will also be arranged to accommodate the Members of Parliament.

- Additional security measures would be taken considering the possibility of infection due to the increasing condition of corona.

Conclusion

The Federal Parliament of Nepal has been playing an important role in law making process and resolving the national issues including international concern relating to Nepal. However, at present, we are in adverse situation due to the global pandemic COVID-19. In this situation, the time demands all to support from their respective quarters to take the situation under control. We should remain safe ourselves and make others safe as well by fully implementing the government decisions and WHO measures towards the combat of the virus. In fact, a sufficient budget and resources are needed to combat the pandemic. If the budget is not sufficient to tackle the current pandemic, the budget needs to be rearranged from other sectors. For instance, budget can be transferred from other budget headings. The key component is that parliament is assuring the people that victory against Corona Virus is possible.

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