

# PARLIAMENTARY & DEMOCRATIC PROCESSES REPORT

*A UK ethnic minority community [Nepali] led initiative providing communications and educational mechanisms for British and Nepali parliamentary democracies to learn from each other, with the aim of maximum inclusion in parliamentary processes and confidence in the latter's effectiveness, transparency and outreach*

UK Nepali  
community  
organisations  
educational  
fact-finding  
initiative

## Content:

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- ☐ National Assembly of Wales report & recommendations, comprised of discussion regarding direct learning from 6<sup>th</sup> March 2018 assembly visit & responses to associated questionnaire

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- ☐ A : Parliament visit questionnaire developed by participants
- ☐ B: PowerPoint Presentation '*People, Power and Parliament: an introduction to your Parliament*' by the UK Parliament Outreach and Engagement Service

### Welsh Assembly Report:

- ☐ National Assembly of Wales report & recommendations, comprised of discussion regarding direct learning from 6<sup>th</sup> March 2018 assembly visit & responses to associated questionnaire

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- ☐ C: National Assembly of Wales Questionnaire

## Initiative Mission Statement:

*To seek **maximum participation of the UK Nepali community in parliamentary democratic processes** and to assist through **community insights** to strengthen British parliamentary democratic and representational processes **to be fully inclusive to British ethnic minority communities** such as the UK Nepali community.*

*To, through the above [direct voter, not diplomatic and/or political] context & motivations, provide communications and educational mechanisms for British and Nepali parliamentary democracies to learn from each other, with the aim of maximum inclusion in parliamentary of processes and confidence in the latter's effectiveness, transparency and outreach.*



## Main Purposes of the Initiative:

- ☐ To assist UK Nepali community members having a thorough understanding of parliamentary processes, their transparency and effectiveness from voter & politician perspectives
- ☐ To learn about how government departments interactions with parliamentary democracy regarding accountability
- ☐ How to use parliamentary mechanisms to raise issues of importance to the community, and mobilise support for remedies for these successfully
- ☐ To boost numbers of British Nepali community members voting and participating in elections (including as parliamentary candidates)
- ☐ To enable learning from the Westminster system to be shared with Nepal's parliamentary democracy and for each to learn from each other

### **Value of the initiative to the British nation:**

A main outcome of the visit and of the ongoing initiative has been for the first time in the history of multiracial, diverse Britain, a specific UK ethnic minority having its community organisations and their leads coming together to seek how to get a better knowledge of the nation's democratic and government system.

A desire and a need were therefore expressed in turn, indicating that British parliamentary democracy is not functioning effectively to serve a multicultural and demographically diverse nation. Only with the latter being recognised can solutions to shortcomings of outreach to communities such as the British Nepali one be arrived at through engagement & dialogue with those affected and those with interests in this area (parliament, the political parties, individual politicians, the given community & its organisations, executive leads and community members).

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### **Report Findings & Recommendations: Background:**

The history of the UK Nepali community is an unusual one, and of course relates to the very special friendship and relationship that developed between the UK and Nepal over two hundred years. Nepal was never a British colony, having instead maintained its independence by means of its military prowess, through in particular the most renowned soldiery in the world, the Nepali Gurkhas. The Nepali community of the UK has therefore by happy fortune, in regard to its land of origin ever being a colony of the UK, and therefore relatively unique in it being the only ethnic minority community of the United Kingdom to have had a long relationship with the British Empire, and the value of that relationship transferred into the modern British state to ensure the continuation of a strategic defence and overseas power need and imperative for the UK. Including the vital geopolitical position of Nepal in the world, one that only the Nepali Gurkhas could and have been able to fulfil by retention of their regiments in the British Army. That need and foresight by the UK and Nepal is fortunateness as the UK negotiates its withdrawal from the European Union (EU) through the process of Brexit.

This sets the scene for why the community organisations delegation in turn makes history for the UK's evolution towards a self-confident ethnically diverse nation that protects and honours diversity while returning to a full Parliamentary democracy outside the EU. But lip-service and well-meant public statements are not the same as meaningful change that carries the faith of the given minority community and been manifested by effective and mutually comprehended, respectful engagement. This can only happen when the given community makes the request and approach. The UK Nepali community has in fact done that in regards the fact-finding educational visit to Parliament and expects the Parliamentary establishment to respond with enthusiasm and a dedication to respond to



a process of dialog and education initiated by such a request. Of course, in such a process it is true that a powerful mirror forms to reflect strengths but imperfections too, and perhaps the honest reflection is that for such a request to materialise from a given community is that parliamentary and democratic systems aren't functioning as fully as they need to be in a truly diverse UK. Nevertheless, a self-confident nation and people can never fear truth that sometimes involves imperfections, as things can always be done better where and when the need is highlighted.

A self-confident nation also looks to engage with other nations, sharing its knowledge on such phenomena as parliamentary democratic processes, good governance, and democratic accountability and transparency, with other nations that are governed by the same parliamentary democratic processes, and of course learn from the latter in turn. The UK Nepali community fact-finding educational initiative on parliamentary democracy therefore fits this model so well with a long-standing trust forged through two centuries.

Before turning to the report of the initiatives findings from the first visit to the Mother of Parliaments, the UK Parliament, on 23<sup>rd</sup> November 2017 and the subsequent community discussions on what was learned including inputs from the visit questionnaire, it is helpful to look at some core concepts and practical/working definitions.

Parliamentary democracy: what it is, its strengths, weaknesses and its abiding purpose. There are many definitions possible for what parliamentary democracy but for the purpose of this report we may define it as follows:

*Definition:*

Parliamentary democracy, democratic form of government in which the party (or a coalition of parties) with the greatest representation in the parliament (legislature) forms the government, its leader becoming prime minister or chancellor. Executive functions are exercised by members of the parliament appointed by the prime minister to the cabinet. The parties in the minority serve in opposition to the majority and have the duty to challenge it regularly. The prime minister may be removed from power whenever he loses the confidence of a majority of the ruling party or of the parliament. Parliamentary democracy originated in Britain (see Parliament) and was adopted in several of its former colonies. **Source:** <https://www.britannica.com/topic/parliamentary-democracy>

A parliamentary system is a system of democratic governance of a state where the executive branch derives its democratic legitimacy from its ability to command the confidence of the legislative branch, typically a parliament, and is also held accountable to that parliament. In a parliamentary system, the head of state is usually a different person from the head of government. **Source:** [https://en.wikipedia.org/wiki/Parliamentary\\_system](https://en.wikipedia.org/wiki/Parliamentary_system)

'A system of government in which people elect representatives to a parliament to make laws, for example Canada and the UK' **Source:** <https://www.collinsdictionary.com/dictionary/english/parliamentary-democracy>

Parliamentary democracy by definition – on the basis of reflecting society and the internal and external evolutions that every state [parliamentary democratic or otherwise] goes through over time

– has to be a work in progress, not anachronistic and fixed to circumstances and a society long since vanished. Parliamentary democracy can be usefully described as a compromise between anarchy/chaos and absolutist tyranny. It is dependent on the educational and intellectual capacities of voters as well as candidates and MPs and the government and opposition, to deliver or not deliver effective government and democracy.

Most importantly if voters and candidates have good competence on social responsibility and community cohesion, they can directly contribute to parliamentary democracy (see related recommendation, at end of the Recommendations section below).

### **Strengths:**

It is flexible: the Mother of Parliaments has always evolved and adjusted to meet the challenges of the times where voters needs and perspectives are concerned. This flexibility has protected the British nation from revolutions and unambiguously tyrannical regimes. The committee system, head of state being formally a-political, and the special role of the upper house are particular strengths that are instructive and valuable. The two Houses system appears to be an exceptional valuable institution of UK parliamentary democracy that checks extremism and protects the nation from its tendency to support inclusive considerations.

### **Weaknesses:**

it is vulnerable to inadvertent or deliberate attempts to weaken it: such phenomena can come about by chance or be engineered – although in the case of the latter, those responsible would not state, for example that they wish to empower some voters more than others, or actively seen to disempower or disenfranchise these they regard as holding different views and values to their own. The First Past the Post (FPTP) system means that almost always the majority of voters’ experience governments that they did not vote for, and substantial minorities vote for governments that have extensive powers to potential ignore the views of the majority of voters who did not vote for their particular party.

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### **Report findings:**

That Parliamentary actions can have important impacts, including unforeseen ones on Nepal & its People as well as the UK Nepali community

That there has not been parliamentary activity on Gurkha Rights in parliament in recent years and rightly or wrongly, Gurkha community members have the understandable viewpoint that if a given UK government makes commitments to a given UK ethnic minority community, that these will be honoured and completed even if there is a change of government. If this principle of non-follow through on a government’s commitments were applied to ethnic minority – race relations settings in a country such as Nepal, the potential for rupturing community cohesion and incentivising civil discord, would be both significant and dangerous. Therefore, in this particular example Nepali approaches could be argued to be instructive to the UK Parliament and best-practice good government as far as race relations and community cohesion impacts are concerned.

Information about Parliamentary Democracy in the UK is very detailed and often contains concepts and terms not easily translatable in clear and accessible terms: this is because a) some knowledge of UK history across the centuries (from Magna Carta to Brexit) is needed to make it fully accessible, and b) Nepal has a different and much younger historical background as far as parliamentary democracy is concerned, and c) in Nepal some of the core political issues that Parliamentary Democracy exists to resolve, are in some [but not all] cases very different to the UK context issues.

Delegates found that the following parliamentary institutions were particularly valuable:

- Select committees, and their inquiries and reports because these have an authority that can compel action in important areas affecting voters and comparatively disadvantaged minority communities in regard to government departments and agencies conduct, more than is/can be exercised by government ministers who are particularly dependent on their senior civil servants
- Different forms and types of debates on raising and highlighting issues and potential initiatives
- The value of the Upper House [Lords] as having less partisan and more expert and specialist approaches and strengths. Concern was raised though on governments being able to create new Upper House members to enable them to get House of Commons originated legislation more easily through the Upper House. Having one particular type of religion having seats in the Upper House by right, was felt to be not compatible with a modern inclusive secular state that is multicultural, multiracial and diverse in character. In Nepal such a practice would be viewed as incompatible with democratic inclusive principles, and potentially destructive towards national and social cohesion.

Through the Hansard searches that delegates and community members made following guidance as to its value provided by the Parliament Outreach Team to delegates on the visit, better understanding of the parliamentary questions dynamic with government ministers, to an overseas government at ministerial and prime ministerial level and with/to the two embassies, was able to be provided. In this way the visit - initiative enabled community level understanding of the dynamics of interrelationship between the two countries and peoples, through the medium of parliamentary questions.

The Whipping System concerns us from what we have learned in the news about how this can function for it seems to be contrary to the spirit of parliamentary democracy, and the institution of MPs having duties to exercise their consciences and call on their expertise, with both the latter being negated if against the party line on important issues or votes. Learning of MPs receiving death threats for voting according to conscience and their personal interpretation of what is in the national interest has come as major shock to many community members when they have learned of such things.

The 'They Work For You' website facility is an invaluable aid to parliamentary democracy, transparency, and voter accountability. The They Work For You website in its own words makes '... it easy to keep an eye on the UK's parliaments. Discover who represents you, how they've voted and what they've said in debates – simply and clearly. Links: <https://www.theyworkforyou.com>



Hansard searches are also a particularly valuable resource for voters, as mentioned above.

## **Report recommendations**

That the APPG for Nepal can work with the Embassy of Nepal & the British Embassy on potential quarterly Hansard /We Work for You updates and in particular that these are provided to UK Nepali community organisations through being on the Outreach Team emailing list.

An Outreach Team visit to Nepal to learn about parliamentary processes with a view to better understanding in conjunction with this report on both UK Nepali community knowledge and expectations of those processes in the different context of UK parliamentary democracy, and giving insights into UK experience relevant to Nepal particularly on MP functions for government accountability and lobbying on issues important to voters feeling empowered and educated to make informed decisions.

More information on the work of the Interparliamentary Union and how this is disseminated at community level

A video on parliamentary processes (especially on raising issues/needs from the community perspective) the role of MP's; government and parliamentary scrutiny methods (and how UK Nepali community members/organisations) on given government departments performances

Submissions to Select Committees for UK Nepali welfare & inclusion, as well as support on areas of Nepal – UK engagement, and how to make such submissions successful.

Need for detailed information in Nepali (see related finding above) about parliamentary democracy (history and especially technical terms and concepts): video and written [hard copy and electronic] information is required to enable and/or maximise understanding of such information.

**Suggestion on social competence & inclusion test for all citizens & building in through school & college curricula in lead up to voting age:** If voters and candidates have good competence on social responsibility and community cohesion exists, they can directly contribute to parliamentary democracy because their competence and education level on these areas protects against divisive and extremist political views and arguments that are selective in facts that they present, disingenuously providing perspectives that distort realities.

From the Nepali community and broader fellow British ethnic minority communities' members perspective, we are aware of British Citizenship Tests. The UK Nepali community with we are sure other ethnic minority and broader minority communities would be interested in Parliament proposing such social competence national citizenship tests. Currently without this real-life experience of discrimination or prejudice we only have equality legislation to protect, whereas a mandatory social competence citizenship test for all voters would be much more effective. This could be a valuable initiative to propose to parliament directly from the UK Nepali community organisations side, but of service to the whole nation and inclusive politics. **The social competence & inclusion test proposal comes from experiences both good and bad as being a minority in the UK: it could be highly valuable for cementing democracy and overall communities & social cohesion in Nepal.**

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## Report: Part A:

### Delegation questionnaire responses and input:

NOTE: Responses to Delegation Questionnaire, provided by Mr Virendra Sharma MP, Chairperson of the APPG for Nepal are provided in **Dark Red**, with comments from the delegates side on the information provided, in **Dark Blue**. Responses from the delegation members and community side are provided in **Green**.

### Topics:

- First Past the Post versus Proportional Representation: differences and the merits and demerits of both from the point of view of voters and Parliamentarians.

First past the post or FPTP, also known as Simple Majority Voting, Winner-takes-all voting or Plurality voting is the most basic form of voting system. In its simplest form, under FPTP, voting takes place in single-member constituencies. Voters put a cross in a box next to their favoured candidate, and the candidate who gathers the most votes in the constituency or other electoral area wins the election.

All other votes count for nothing. FPTP is clear, simple and decisive in the majority of cases, but many would argue that it is anything but a representative voting system. FPTP can also be used in multi-member electoral areas where voters are asked to vote for as many candidates as there are vacancies. Examples include local council elections, elections of foundation trust governors and membership organisations.

In public elections, FPTP is the second most widely used voting system in the world, after Party-List PR. It is principally used in the electoral systems that are either are, or were once, British Colonies. FPTP is currently used to elect members of the House of Commons in the UK, both chambers of the US Congress and the lower houses in both Canada and India. The use of FPTP voting systems used to be more widespread, but many countries have now adopted other alternative voting systems.

### The advantages and benefits of a FPTP voting system

- ☐ It's simple to understand.
- ☐ It doesn't cost much to administer.
- ☐ It's fairly quick to count the votes and work out who has won; meaning results can be declared relatively quickly after the polls close.
- ☐ In a political environment, FPTP enables voters to clearly express a view on which party they think should form the next government.
- ☐ FPTP is ideally suited to a two-party system and generally produces single-party governments, although the 2010 UK General Election was an obvious exception

- Single-party governments by and large don't have to rely on support from other parties to pass legislation, though as the UK has found that is not always necessarily the case as the current Coalition Government demonstrates.
- Some would argue that FPTP voting systems encourage broad-church centrist policies and discourage extremist points of view

#### The disadvantages and shortcomings of FPTP voting systems

- Representatives can get elected with small amounts of public support, as the size of the winning margin is irrelevant: what matters is only that they get more votes than other candidates.
- FPTP encourages tactical voting, as voters often vote not for the candidate they most prefer, but against the candidate they most dislike.
- FPTP is regarded as wasteful, as votes cast in a constituency for losing candidates, or for the winning candidate above the level they need to win that seat, count for nothing.
- FPTP can severely restrict voter choice. Parties are not homogenous and do not speak with one unified voice. Parties are more coalitions of many different viewpoints. If the preferred-party candidate in a constituency has views with which a voter doesn't agree, he or she doesn't have a means of expressing that at the ballot box.
- Rather than allocating seats in line with actual support, FPTP rewards parties with what is often termed 'lumpy' support; that is, with just enough votes to win in each particular area. With smaller parties, this works in favour of those with centralised support.
- With relatively small constituency sizes, the way boundaries are drawn can have important effects on the election result.
- Having small constituencies often leads to a proliferation of safe seats, where the same party is all but guaranteed re-election at each election. This not only effectively disenfranchises a region's voters, but it leads to these areas being ignored when it comes to framing policy.
- If large areas of the country are effectively electoral deserts for any particular party, not only is the area ignored by that party, but also ambitious politicians from the area will have to move away from their locality if they aspire to have influence within their party.
- Because FPTP restricts a constituency's choice of candidates, the representation of minorities and women suffers, as the 'safest' looking candidate is the one most likely to be offered the chance to stand for election
- Although encouraging two-party politics can be advantageous, in a multi-party culture, third parties with significant support can often be greatly disadvantaged.

- How the parliamentary system works in regard to roles of government and opposition (this is comprised of the 'official opposition / the party with the second largest number of seats + other non-government parties, such as the SNP, etc.)

The Opposition, formally known as HM Official Opposition, refers to the largest political party in the House of Commons that is not in government. The leader of this party takes the title Leader of the Opposition. The role of the Official Opposition is to question and scrutinise the work of the Government. More generally, any party that is not a part of the government is described as an opposition party.

- The role and functions of the Prime Minister and of the Leader of the Official Opposition

The Prime Minister is the leader of the Government. He or she is the leader of the party that wins the most seats at a general election. After a general election the monarch calls upon the leader of the largest party to form the Government. The Prime Minister chooses the other Members of the Government and has a residence and offices at 10 Downing Street

The Leader of the Opposition is the title given to the leader of the political party in Parliament that has formed the Official Opposition

- The role, functions and powers of the government's secretaries of state & ministers, and of the Permanent Secretaries/Civil Servants -- Directors, Deputy Directors, Director Generals -- leads of government departments -- how do secretaries of state and their departmental ministers overcome a tendency for the Civil Service to systemise policy implementation rather than allow flexibility to the reality of Policy within communities

Ministers are the MPs and members of the House of Lords who are in the Government. They are appointed by the Prime Minister and each given a specific area of government policy to oversee. Ministers speak on behalf of the Government from the frontbenches during parliamentary debates and must answer questions put to them by other MPs or members of the House of Lords.

There is a clear democratic line of accountability which runs from the electorate through MPs to the Government which commands the confidence of a majority of those MPs in Parliament. The duly constituted Government—whatever its political complexion—is assisted by the Civil Service which is permanent and politically impartial. Hence, Ministers are accountable to Parliament; civil servants are accountable to Ministers. That is the system we have in this country.

The accountability of civil servants to Ministers and the accountability of Ministers to Parliament are the twin buckles that hold our system of Government together. However, there is growing evidence that these relationships are under strain.<sup>8</sup> This is because the convention of Ministerial responsibility, which in theory makes civil servants accountable to Ministers, rubs against a number of other conventions: the recruitment of civil servants on the basis of merit rather than Ministerial selection, the permanence of the service and its self-management, and the political impartiality of officials.

These conventions, that have long governed how the Civil Service operates, prevent Ministers from appointing, promoting, sanctioning or dismissing their staff, and seeking independent advice. A

number of reviews of the Civil Service have suggested that these core conventions, which emerged in the nineteenth century, have become plagued with ambiguities and inconsistencies, and are no longer suited to the realities of twenty-first century Government.

In particular it is argued that they inhibit effective accountability of the Civil Service. The doctrine of Ministerial responsibility says that senior civil servants are 'accountable to Ministers' (who are in turn accountable to Parliament) but says nothing about how Ministers are supposed to hold top officials to account without being accused of 'politicising' the Civil Service. The traditional position simply assumes top officials will be accountable and adhere to the 'Armstrong Doctrine' of having 'no constitutional personality separate and apart from that of the Government of the day'.

In practice a variety of informal methods have traditionally been used, but these are opaque, unreliable and ultimately poor at holding officials to account. And if Ministers alone are accountable for the performance of their department then this means that civil servants are not held sufficiently externally accountable for the work they do, particularly on policy execution. As the Chair of the Public Accounts Committee, Margaret Hodge, argues, while it was reasonable to expect the Minister to be fully responsible for the actions of the Home Office in 1918 when it employed 28 civil servants, it is 'plain daft' to expect Ministers to accept responsibility for the actions of the department today when it employs 34,000 people.<sup>10</sup> Weak accountability is associated with poor performance: if there are no sanctions for delivery failures, what are the incentives for Whitehall to improve?

Moreover, since Ministers in practice cannot reasonably be held accountable for everything that happens in these large complex departments, then where is the real accountability? This system allows Ministers and civil servants to 'duck and dive' behind one another, with Ministers passing the buck and blaming officials, while officials hide behind the shield offered by constitutional convention.<sup>11</sup> The Civil Service Reform Plan openly acknowledges some of the deficiencies with accountability arrangements in Whitehall and suggests ways of improving them.<sup>12</sup> For instance, it suggests that 'given Ministers' direct accountability to Parliament' Ministers should be given greater control over the appointment of Permanent Secretaries.

This acknowledges the problem identified above: effectively it is very difficult for civil servants to be accountable to Ministers if Ministers are precluded from appointing them. Ministerial involvement in Civil Service appointments is one way of strengthening Civil Service accountability, though it raises issues of its own, in respect of the merit principle and the non-partisan character of the service. Another way, also discussed in the Civil Service Reform Plan, would be to introduce a 'contractual model' like that which operates in New Zealand. Here Ministers contract Chief Executives (Permanent Secretary equivalents) to deliver specific commitments demanded by the Minister. We explore these proposals – and more – by looking at how accountability arrangements work in other countries, paying particular attention to Westminster systems.

NOTE: study found that different government departments have different relations with their secretaries of state & ministers, with the latter having corresponding lesser or greater ability to audit and monitor their performance.

ALSO: having commercial agencies covering functions that were once completely covered directly by the Civil Service (public servants free of the influence of for profit considerations) has emerged as a particularly real threat to accountability to parliament, and through parliament to the voter



Community members felt that in some cases these department leads and those running commercial partner entities have an independence of parliament and government that makes them extremely powerful and also unaccountable for maladministration, incompetence and injustices against voters/taxpayers. Select committees have pointed this out, including commercial agents flouting the requirement to confer and consult with parliament, including such committees, before enacting changes to regulations, rules and laws.

EU: important in a number of aspects due to power and remoteness of EU institutions and agencies. Repatriation of powers to the UK from the EU involves looking at devolved assemblies as well as Westminster, and will involve discussions between the two.

- The scrutiny and specialist advisory work of parliamentary Select Committees. How they can be approached for example on mobilising a cause, or about perceived systematic maladministration where government departments and agencies are concerned

Select committees are small groups of MPs or members of the House of Lords that are set up to investigate a specific issue in detail or to perform a specific scrutiny role. They may call in officials and experts for questioning and can demand information from the government. Select committees publish their findings in a report and the government is expected to respond to any recommendations that are made.

We learned, including from the Parliament website select committees section, that voters/members of the public can approach select committees with information if relevant to the given committee and conforming to policy and processes related matters for the given government department or agency.

- The role and work of All Party Parliamentary Groups (APPGs)

All-Party Parliamentary Groups (APPGs) are informal, cross-party groups formed by MPs and Members of the House of Lords who share a common interest in a particular policy area, region or country.

While they are not official parliamentary committees these groups can sometimes be influential because of their non-partisan, bicameral approach to an issue.

We learned from Mr Sharma that in his capacity as Chair of the APPG for Nepal that parliament facilities can be requested for Nepal related activities, and that other members of the APPG can if requested potentially table questions in the Houses of Parliament regarding Nepal and UK -Nepal topics, including community related, trade, etc. (this advised by an APPG group member Lord Sandwich at an Embassy of Nepal event. The community learned through the FCO that Mr Sharma was able to call a meeting of the APPG to give the opportunity to a City of London figure organizing a Nepal hydropower initiative that enjoys the support of the British Embassy in Kathmandu and DFID. At the parliament visit by the delegation the Outreach Team Manager in his presentation mentioned how APPG's can provide valuable support of the kinds mentioned, and Mr Sharma in his talk at the

same delegate educational programme emphasized his readiness in his APPG capacity to provide any support he could should Nepali community organisations request.

In looking at the Gurkha Pension Rights campaign, a specific Gurkha Rights related APPG existed: it ceased to function after the adverse European Court ruling. However, we learned that the community itself has to be directly involved in such a group, otherwise what looks like a support to a cause or country's relations with the UK, and a given ethnic or other minority community, can have minimal representation value and overlook the actual perspectives of the given community. Therefore, there is this defect from the British Gurkhas experience of an APPG.

The other point on APPG's is that parliament authority states the APPG's have no actual authority (they are informal: <http://www.parliament.uk/about/mps-and-lords/members/apg/>), and are just a collection of individual MPs and Lords with varying degrees of shared interest in the area the APPG covers. Yet BGWS (British Gurkha Welfare Society) found on research on a British Army webpage on the pensions dispute that the government treated the inquiry the now moribund APPG on Gurkha Rights led, as having authority, and authority of the kind respected by the British Government (this is comparing the APPG to a Select Committee, which has real power): <http://www.army.mod.uk/gurkhas/41487.aspx>

Therefore we have found through this parliament educational initiative that we, the Nepali Gurkha community were not informed of the actual legal status of the APPG by the government, and therefore the lack of any legally valid status (coming from an informal group) of the inquiry it held and the government recognized as authoritative [on a par with an inquiry by a Select Committee]. This raises a grave issue for us and our broader British nation on government seeming to use invalid mechanisms to deal with just cases and means that Parliament is not policing itself properly (therefore needs expert and or community witness) in regard to such matters as reports by and therefore authority of informal APPGs. This particular point has been reinforced in regard to references to the APPG inquiry in the March 2018 'Report of the Technical Committee on Gurkha Veterans.' Non-awareness on crucial point by the Nepali component of the Technical Committee, and the certainty of the UK Government/Civil Servants component knowing this, but maintaining that a report that only ever had informal, non-legally valid status, as binding as if it were a Select Committee report has led to the following conclusions:

- a) That the validity as well as the credibility of the Technical Committee must be clearly questioned where such a major flaw, revealed in the Technical Committee Report to be included, with no challenge
- b) That lack of knowledge of this kind on parliamentary mechanisms and processes, highlights that through want of knowledge on the latter enables major injustices and issues of importance to given UK BME communities to be not addressed because the want of knowledge disempowers the latter when confronted by very focused UK government agency civil servants who can, it can reasonably be argued, use that want of knowledge on the community side to perpetuate injustices, and block equitable and effective resolutions of same. Under the Equality Act 2010's indirect discrimination component, such conduct can reasonably be said to constitute indirect discrimination, where de facto exploitation of a given community on a given issue/cause can take place due to limited English language skills and knowledge of parliamentary mechanisms.

‘Knowledge is Power,’ it is rightly said, and wont of that knowledge a bedrock of exploitation & disempowerment.

- The role of the Second Chamber, The House of Lords

The House of Lords is the second chamber of the UK Parliament. It is independent from, and complements the work of, the elected House of Commons. The Lords shares the task of making and shaping laws and checking and challenging the work of the government.

The Cross Benches concept was of great interest and also the concept of Honours, and it was discussed and discovered this could be abused and also could bring gifted specialists and people of publicly given renown to serve and contribute towards democracy.

- Parliament and referenda: interpreting results.

It was explained that referenda fulfil an advisory role to parliament rather than being de facto exercises of executive power from the people/Voters to Parliament: the recent remain or leave the EU referendum of June 2016 ultimately found – because of its general rather than specific ‘to be voted on’ character – that in December 2017 Parliament asserted its authority to ensure the leaving the EU particulars must be voted on in Parliament rather than the final state proposed terms of leaving provided by the government not facing a vote in Parliament.

Moreover, the information provided by the Parliament Outreach Team at the visit to parliament, indicated that referenda if used without precise questions to vote on, and used regularly, can cause confusion, government functioning paralysis, and be a threat to the concept of parliamentary democracy (MPs and given political parties they belong to have explicit policy and initiative commitments and values; referenda on imprecise questions can, in the given area/topic, devalue the latter).

Where referenda results are very close between two opposite views or options, the nation can be weakened by needlessly created and/or intensified discord in public opinion, voter, citizen, and parliamentary domains. This is an important lesson for Nepal, where referenda are very rare. The Parliament Outreach Team manager advised that in his opinion there are many failings with referenda, and they should be used only in very exceptional circumstances. Which they are in the UK.

Nevertheless, Referenda although effective for single issues of national importance that cross across Party lines and contentious if the whipping system (see page 23) were deployed can also be defective for the following reasons:

Politicians – as with the related defect in the FPTP [First Past The Post] system – can claim, incorrectly that a real majority voted for a specific choice on a referendum voting choice, when in reality no such real majority exists: this because a substantial (10%+ -- in the case of the leave-stay in the EU referendum of June 2016, it was approximately 30%) number of those eligible to vote, did not do so. Nevertheless, in a democracy it is a freedom of choice for voters not to so exercise their vote.

In the case of this example, it meant slightly more than half of those who voted [only about 70% of those eligible] made a certain choice that narrowly won – when the 30% that were eligible to vote but didn't were removed it meant only a minority of those eligible to vote made that particular choice: those who did not make that choice were therefore the majority [comprised of non-voters eligible to vote, and voters who voted for the opposite choice]. Yet this level of voter engagement is close to General Election participation and substantially higher than local elections not coinciding with General Elections.

Civil servants who are not elected, and may in some circumstances be not subject to effective independent parliamentary scrutiny, can draw up criteria for excluding given UK population groups from given referenda: for example about 3 million EU citizens resident in the UK were excluded from having eligibility to vote in the 2016 UK referendum on UK EU membership, for obvious reasons, despite being taxpayers and having a particularly direct interest in the topic of the referenda. A national referendum that excludes or includes defined sub-populations not usual participating in a General Elections cannot in practice be a national referendum.

For such reasons the UK experience of referenda is instructive but may not one to be followed by other nations that need to foster national unity or values, because of a wide variety of ethnic groups, like Nepal. In such countries the principal of maximum participation and protection and honouring of democratic principles and rights & responsibilities across all ethnic citizens is vital.

- The role of constituency MPs

**The role of an MP is that of a representative not a delegate. Their job is to represent the best interests of the country and their constituency.**

We understood that as such, serving the interests of the country means MPs can and should vote according to their consciences or expert knowledge, and this can transcend in rare circumstances voting on party lines. We are aware that when this happens elements of the UK press can react adversely if views taken by MPs are at variance with given newspaper perspectives.

- The role of Constituency MPs in the support & protection of their constituents. Specifically, what are the views of senior ministers and the civil service to representations from Members of Parliament on behalf of their constituents. Can the Civil Service ignore such representations?

**MPs can assist their constituents in a variety of ways, from making private enquiries on your behalf, to raising matters publicly in the House of Commons.**

### **First steps**

Keeping the issue private, your MP might write to the relevant department or official, send a letter to the appropriate Minister or make a personal appointment to discuss the issue. These steps can often go a long way to providing a solution.

## **Making the issue public**

Your MP may decide to make the issue public by raising it in the House of Commons, where it will be officially recorded, and could potentially come to the attention of the press and public.

## **Outside Parliament**

Outside Parliament, and at the discretion of the individual MP, you could request that your MP speak at an event concerning the issue, pledge their support to a campaign or write to the local media on your behalf.

**Re ‘...Can the Civil Service ignore such representations?’ the latter no response was able to be provided: this question was afterwards revealed to be of particular importance to many of the delegates, especially Nepali Gurkha community (elderly Gurkha community members have been, it was afterwards discussed within the community, faced deportation having to go as far as HMCTS Upper Tribunal to try and redress the harm visited on them: one was shocked his privacy in an Upper Tribunal hearing was breached and that of others, as other appellants were in the same courtroom, hearing about each other’s names & details), in regard to different concerns and complaints about the Home Office.**

As an example. afterwards, Home Affairs Committee representations were researched by the delegates/community side showing that the commercial partner of the Home Office’s visa & immigration service (UKVI) apparently makes changes to immigration rules without consulting Parliament and specifically the Home Affairs Committee, as it is required and should do.

## **The work of the Immigration Directorates (Q4 2015): Government Response to the Committee's Second Report of Session 2016–17**

Source: <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmhaff/675/67504.htm>

## **Appendix: Government Response**

### **Introduction**

The Home Office would like to thank the Committee for its report on the work of the immigration directorates published in June 2016. The Government’s response is below.

### **Visa applications**

**Conclusion/Recommendation 1 – This Committee has in the past expressed concern about the way in which internal service standards operate. Since UKVI introduced its own customer service standards in 2014 we have seen the goalposts shifted, as UKVI have changed the parameters without consultation or explanation, and a lack of transparency, particularly when UKVI choose to exclude vast numbers of cases from the standards and provide only general observations to justify such action. We reiterate the conclusion from our previous report that if service standards are to mean anything their application must be transparent and the criteria on which they are based justified. Whenever UKVI wishes to amend the customer service standards, this Committee must be notified by a letter from the head of UKVI. (Paragraph 7)**



**Sovereignty & human rights abuse of Nepali citizens issues:** Regarding applications Nepali sovereignty & Nepali citizens human rights abuses on defacement of Nepali passports. The parliamentary democracy learning initiative brought out details of Nepali citizens passports being defaced by British immigration officers in neighbouring India (UKVI New Delhi, that is institutionally at operational level, linked to the Foreign & Commonwealth Office [FCO]: in the UK the functions come under the Home Office). Such 'signal stamps' are internationally recognized as 'black marks.' In the case contributed, the Nepali citizen had three such stamps put in his passport when applying for visas that were initially refused, and subsequently the refusal decisions overturned and granted due to evidence of legitimacy of the grounds for applying for the visas, and the failure of the British [overseas/New Delhi] Entry Clearance Officers using poor grounds for refusing legitimate visa applications. He, the Nepali citizen provided evidence that the UKVI UK, in an official letter stated as policy that such practices were not followed in the UK and were bad practice because to be put in a passport refusal of entry per se was required, not refusal to grant a visa when initially applied for, but that overseas UKVIs may not follow this.

Such conduct the community discussed as clearly breaching Nepal's sovereignty and criminalizing Nepali citizens for when they travel overseas, because such stamps send the message the individual is a threat on potential visa overstay or even criminal fronts.

The British parliamentary democratic system in regard to such abuse & infringement of the norms of protocol on the sovereignty of other nations, and human rights of their citizens when travelling overseas, it was discussed matter for Nepal and to the British Parliament. The Windrush Scandal -- <http://www.bbc.co.uk/news/uk-43794366> -- abuses were revealed in the final stage of this report's finalization, confirming how essential it is that parliament through MPs and ministers get a grip on arbitrary conduct by unelected civil servants and the commercial [for profit] partner officers that inflict such destructive harm on legitimate applicants for UK visas & Leave To Remain, especially in regard to Nepal, land of the Gurkhas, and of importance in light of post Brexit UK national interests in South Asia.

- The role of the Speaker: how/where he/she can intervene on the conduct of MPs, Ministers, secretaries of state and Prime Minister.

**The Speaker of the House of Commons chairs debates in the Commons chamber. The holder of this office is an MP who has been elected to be Speaker by other Members of Parliament. During debates they keep order and call MPs to speak.**

The Speaker is the chief officer and highest authority of the House of Commons and must remain politically impartial at all times.

The Speaker also represents the Commons to the monarch, the Lords and other authorities and chairs the House of Commons Commission. The current Speaker is John Bercow, MP for Buckingham.

### **Chairing debates in the House of Commons**

The Speaker is perhaps best known as the person who keeps order and calls MPs to speak during Commons debates. The Speaker calls MPs in turn to give their opinion on an issue. MPs signal that

they want to speak by standing up from their seat (a custom known as 'catching the Speaker's eye') or they can notify the Speaker in advance by writing. The Speaker has full authority to make sure MPs follow the rules of the House during debates. This can include:

- ☐ directing an MP to withdraw remarks if, for example, they use abusive language
- ☐ suspending the sitting of the House due to serious disorder
- ☐ suspending MPs who are deliberately disobedient - known as naming
- ☐ asking MPs to be quiet so Members can be heard

### **Politically impartial**

Speakers must be politically impartial. Therefore, on election the new Speaker must resign from their political party and remain separate from political issues even in retirement. However, the Speaker will deal with their constituents' problems like a normal MP.

- How parliament sees its role on business & trade development, cultural exchange, human rights and equality work and initiatives in other countries, through the influence of the Foreign and Commonwealth Office and Cabinet.

Individual MPs rather than Parliament have a role.

- Anti-corruption and anti-abuses measures in Parliament for both Government and constituency MPs – what are these measures and how are they implemented

### **The Code of Conduct for Members of Parliament**

*Prepared pursuant to the Resolution of the House of 19 July 1995*

#### **I. Purpose of the Code**

1. The purpose of this Code of Conduct is to assist all Members in the discharge of their obligations to the House, their constituents and the public at large by:
  - (a) establishing the standards and principles of conduct expected of all Members in undertaking their duties;
  - (b) setting the rules of conduct which underpin these standards and principles and to which all Members must adhere; and in so doing
  - (c) ensuring public confidence in the standards expected of all Members and in the commitment of the House to upholding these rules.

#### **II. Scope of the Code**

2. The Code applies to Members in all aspects of their public life. It does not seek to regulate what Members do in their purely private and personal lives.
3. The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural and other rules of the House and the rulings of the Chair, and to those which apply to Members falling within the scope of the Ministerial Code.

#### **III. Duties of Members**

4. By virtue of the oath, or affirmation, of allegiance taken by all Members when they are elected to the House, Members have a duty to be faithful and bear true allegiance to Her Majesty the Queen, her heirs and successors, according to law.

5. Members have a duty to uphold the law, including the general law against discrimination.

6. Members have a general duty to act in the interests of the nation as a whole; and a special duty to their constituents.

7. Members should act on all occasions in accordance with the public trust placed in them. They should always behave with probity and integrity, including in their use of public resources.

#### **IV. General Principles of Conduct**

8. In carrying out their parliamentary and public duties, Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life in its First Report as applying to holders of public office.<sup>[1]</sup> These principles will be taken into account when considering the investigation and determination of any allegations of breaches of the rules of conduct in Part V of the Code.

##### ***"Selflessness***

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

##### ***Integrity***

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

##### ***Objectivity***

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

##### ***Accountability***

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

##### ***Openness***

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

##### ***Honesty***

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

##### ***Leadership***

Holders of public office should promote and support these principles by leadership and example."

#### **V. Rules of Conduct**

9. Members are expected to observe the following rules and associated Resolutions of the House.

10. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

11. No Member shall act as a paid advocate in any proceeding of the House.[2]

12. The acceptance by a Member of a bribe to influence his or her conduct as a Member, including any fee, compensation or reward in connection with the promotion of, or opposition to, any Bill, Motion, or other matter submitted, or intended to be submitted to the House, or to any Committee of the House, is contrary to the law of Parliament.[3]

13. Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests. They shall always be open and frank in drawing attention to any relevant interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders.[4]

14. Information which Members receive in confidence in the course of their parliamentary duties should be used only in connection with those duties. Such information must never be used for the purpose of financial gain.

15. Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation.

16. Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally.

## **VI. Upholding the Code**

17. The application of this Code shall be a matter for the House of Commons, and particularly for the Committee on Standards and the Parliamentary Commissioner for Standards acting in accordance with Standing Orders Nos 149 and 150 respectively.

18. The Commissioner may investigate a specific matter relating to a Member's adherence to the rules of conduct under the Code. Members shall cooperate, at all stages, with any such investigation by or under the authority of the House. No Member shall lobby a member of the Committee in a manner calculated or intended to influence its consideration of an alleged breach of this Code.

19. The Committee will consider any report from the Commissioner to it and report its conclusions and recommendations to the House. The House may impose a sanction on the Member where it considers it necessary

The community were very impressed by the practical measures described above on keeping Parliament corruption-free and influenced by good practice: this is from adjusting to issues as they have arisen in real life, a flexibility that is a particular strength of British Parliamentary Democracy.

- If an MP is felt to not being discharging his constituency obligations to assist a constituent on a representation or request for support, where can the frustrated citizen go on the issue of concern, or to lodge a grievance against an MP acting in such ways. CONTEXT: e.g. non-reply to polite [not rude or 'nuisance'] requests for their MP's support from a constituent.

There is no real recourse except for the next election.

We learned, including through questions to the Parliament Outreach Team Manager during the delegation visit that in fact whilst the above is accurate if restricted to a given constituency, having gone through the protocol of an approach to ones' constituency MP first, and finding this negative/unfruitful, his/her constituent can approach other MPs or members of the Upper House that have relevant expertise & interests, and can be more sympathetic (a little like you can change your GP if not happy with them). Not knowing this, can be disempowering, especially for those with limited English, or not knowing how Parliament works.

- Value and authority of MPs supportive letters on behalf of constituents

Covered earlier.

NOTE: the judiciary has been revealed increasingly, for example the HMCTS Immigration Tribunal, to be infringing on parliament in its range of actions and how it implements them. This includes knowledge of dismissing MPs supportive letters as of in effect having no more value than that of any other lay person.

We learned that such letters should be respected not dismissed, because they are an important constituent and safety against injustice time-honoured mechanism. MPs authority in representation, including through such notes, lays in their grasp of social and ethical issues that those – such as immigration tribunal and other judges – lack because they are restricted to solely and often very limited legal remits. When the latter [some judges] lack knowledge on, for example legal requirements and obligations of Acts of Parliament dealing with equality, which MPs can be much more knowledgeable in, government agencies whose officers may have been involved in maladministration, miscarriages of justice occur and MPs can fulfil an essential civil and human rights protecting function: their supportive letters physically evidence this and so shouldn't be discounted in a parliamentary democracy.

- Lobbying of MPs and ministers on issues, causes, initiatives by individual constituents, companies, charitable organisations, and registered lobbyists

Covered earlier.

NOTE: some information under Rules of Conduct and what MPs can do, but not on this specific topic.

The Outreach Team Manager at the time of the visit however, provided much information for the delegates on how to successfully use parliament and its debate mechanisms in regard lobbying government on issues and causes. The topics of companies and of registered lobbyists are important to learn more about, delegates afterwards discussed amongst themselves and with community members in their respective groups and organisations. They concluded this as an element to get right in the context of the Nepal parliament's development, including avoidance or minimization of corruption, and involving talent that can be deployed for the general good and the nation. It has been proposed that if Parliament can arrange, then a small group of delegates would



like to meet registered lobbyists and representatives of companies that have a successful record of influence or engagement in parliament including of course particularly government and the governing political party. We would like to learn more on this subject and share guidance in Nepal

- The integration of the Scottish Parliament and Devolved Assemblies in Wales and Northern Ireland, into the UK Parliamentary Process

**Devolution in the UK created a national Parliament in Scotland, a national Assembly in Wales and a national Assembly in Northern Ireland. This process transferred, and continues to transfer, varying levels of power from the UK Parliament to the UK's nations - but kept authority over the devolved institutions in the UK Parliament itself.**

Scotland, Wales and Northern Ireland all held successful referendums on devolution in the late 1990s. This led to the establishment of separate Parliaments or Assemblies and the democratic election of officials.

#### Devolved and reserved powers

Devolved powers are decisions that Parliament controlled in the past, but are now taken by the separate bodies, e.g., the Scottish Parliament. This could include matters like education or health.

Reserved powers including, amongst others, UK defence and foreign policy remain with Parliament in Westminster.

In each case, the legislation establishing the separate bodies determined which powers were devolved and which were reserved. Ultimately Parliament can still legislate on devolved matter but generally doesn't do so.

#### Transfer of powers

The Scottish Parliament and the National Assembly for Wales took responsibility for their devolved powers on 1 July 1999, the Northern Ireland Assembly followed on 2 December 1999.

The Northern Ireland Assembly was suspended at midnight on 14 October 2002. Power was restored to the Northern Ireland Assembly on 8 May 2007.

Since the original transfer of powers, new legislation has also seen other powers devolved to Scotland, Wales and Northern Ireland.

Please see Welsh Assembly component of this report from a direct devolved assembly, non-Westminster perspective.

## Part B:

**On the day of the visit observations, questions, and information of interest following delegates/community members research & study:**

On being asked the question can you name your constituency MP, only 2 out of the total UK Nepali community organization leads and senior figures, could answer Yes.

This indicates the scale of the task and challenge for parliament and the national UK political parties to engage effectively with UK Nepali community members & voters, and how disengaged the latter are with the former. This shows the scale of UK Nepali community voters disengagement from the parliamentary system, especially as those recording this statistic were community leads rather than ordinary members.

Delegates learned that it is better for a constituent to write and send a hard-copy letter to their MP, rather than sending an email (each week very few letters – perhaps 6 to 7 for the average MP – letters are received, compared to hundreds of emails).

Delegates learned of the main ways of raising an issue and/or a question relating to an issue of importance to the community, and/or Nepal – UK relations. These were:

- ☐ Through a Westminster Hall Debate
- ☐ Opposition Day Debate
- ☐ Backbench Business Committee Debate

In discussing these options and the whole concept of how to raise an issue or question in Parliament and sharing this information with UK Nepali community organisations board members, officers, and members afterwards, All had no knowledge of these options and no idea about the possibility of being able to approach parliament on community needs and topics of importance. Afterwards discussions resulted in community groups that parliament visit delegates discussed this topic with, on making internet searches on UK parliament lobbying. They learned that there are campaign issue and product/business related groups and business sector lobbyists that are very successful in getting their voice heard or influence felt in Parliament.

**Whips & Whipping:** delegates learned about the Whips system, including that these are the figures who choose who will ‘chair’ parliamentary committees (5+5+1 basis). Whipping methods were afterwards researched and concern about these emerged. This involved learning about ‘Black Books’ and how personal information about MPs private lives could be used to ensure they vote for the government on specific topics and key votes, even if the given MP holds strong views contrary to the government perspective on such topics. It was felt that conscience was the most important influence on MPs in such cases, and that voting through fear rather than conviction was more linked to authoritarian tyranny than parliamentary democracy.

**Gurkha rights:** An Opposition Day Debate was suggested by the Parliament Educational Outreach Team lead. On Gurkha rights at the visit it was expressed how rights agreed by a government were then only partly delivered and a subsequent government failed to honour or involve with delivering the remaining part of those rights. Put frankly, by a number of the UK Nepali community organisations delegates, this conduct by civil servants guiding their respective elected political leads/ministers, appeared as disingenuous and ‘unBritish.’ Learning on the occasion of the

parliament educational visit of ways such a situation could be challenged effectively by a range of parliamentary tactics, was deeply appreciated.

A subsequent revelation (flagged up by amongst others Mr Yog Kumar Phagami, NRNA UK President) impacting on Home Office visas applied for by Gurkha's to visit family members, involves Pension Credit Benefits. This has meant that accustomed 3 months visas applied for by UK based Gurkhas to visit families, will now mean they have to reapply for any benefits if they are out of the country for more than a month, cruelly placing an obstacle to the sanctity of family reunions and connections, especially as the Gurkhas live in mostly remote upland locations necessitating journeys of many days there and back from the capital. Gurkhas are not ordinary British citizens, but a key element of the British Army for 200 years, and in that sense the immigration services and the Department for Work & Pensions (DWP) should have liaised before these changes were made. Again the learning from the parliament educational initiative indicated parliamentary mechanisms existed that had they been known of, could have been mobilized to alert to the negative practical and family life rights issues this change would make, before it was put into effect. It is an example of the importance of national agencies such as the UKVI and DWP being accountable to Parliament under the provisions of the Equality Act 2010, and Equality Impact Assessments that are carried out with DIRECT, substantial [not nominal/tokenistic] involvement of the given community that would be affected by rules changes.

#### **An example of learning by using Hansard questions search mechanism:**

An example of limitations of how parliamentary democracy can fail to cover substantially important matters including aggressive and self-interested motivations under actions that appear innocuous/democratic & human rights based, and that these relate to culture and political evolution differences. **Nepal: Religious Freedom.** Foreign and Commonwealth Office written question – answered on [11th September 2017](#).

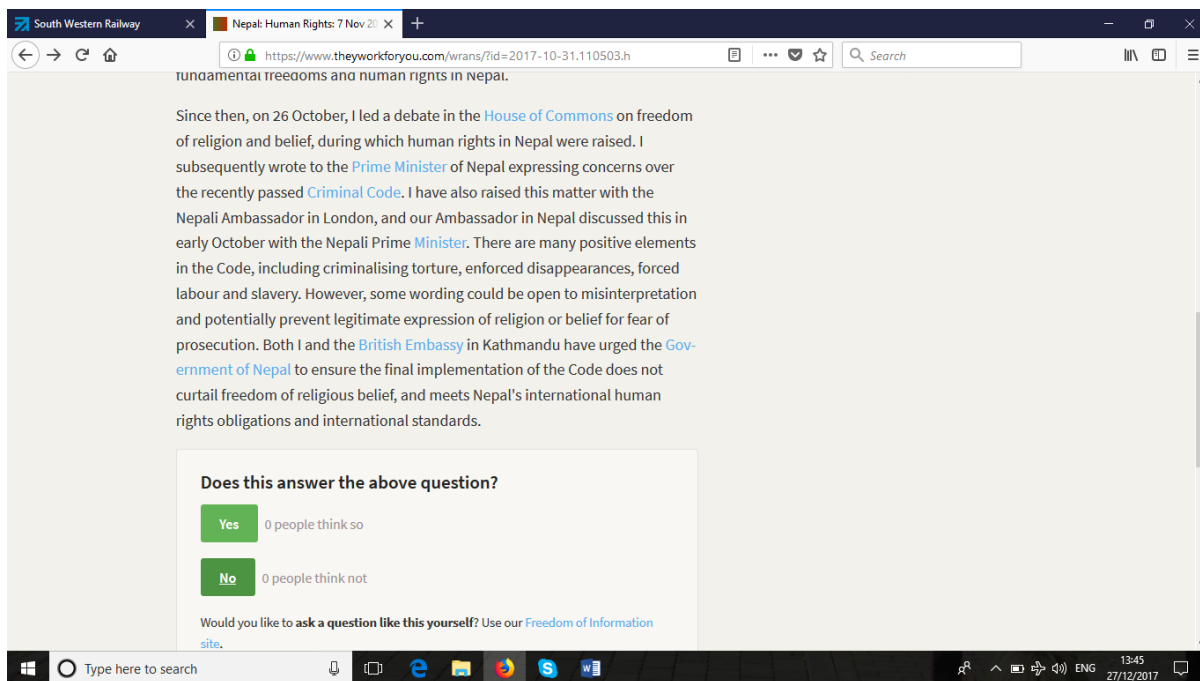
**Gregory Campbell Shadow DUP Spokesperson (International Development), Shadow DUP Spokesperson (Cabinet Office)** *'... To ask the Secretary of State for Foreign and Commonwealth Affairs, if he will make representations to his Nepalese counterpart on freedom of religious conscience and people who wish to convert from one religion to another in that country.'*

#### **Mark Field Minister of State**

*The right to freedom of religion is enshrined in the Nepali Constitution of September 2015. However, we have concerns regarding the drafting of the new legislation on religious conversion, which could be interpreted in a way that would limit people's rights to express their religion and, potentially, their right to choose their religion.*

*Our Embassy in Kathmandu has consistently encouraged the Government of Nepal and members of Nepal's parliament to ensure Nepal meets its international human rights obligations. This includes ensuring the protection of the right to change religion. My officials have met with representatives from religious minorities to better understand their concerns. My predecessor, My. Hon Friend the member for Reading West (Mr Sharma), also discussed human rights with Nepali Foreign Minister Mahat at the UN on 22 September 2016. We continue to do so.*

Source: <https://www.theyworkforyou.com/wrans/?id=2017-09-05.8883.h&p=10780>



Actual context of aggressively pursued Christian evangelism in Nepal that neither the DUP MP (member of a party that holds what are recognised as quite non-inclusive views, derived from sectarian religion, a form of the Christian religion) nor the UK government minister referred to, but linked to using wealth as a weapon to those who are vulnerable due to need (especially seen in foreign fundamentalists conduct in the aftermath of the great earthquake of 25<sup>th</sup> April 2015.

Without reference to such conduct representations coming from a powerful Christian fundamentalist lobby direction, that the UK government minister and its diplomats fail to perceive as holding strongly self-interested motives and conduct – as below – of clearly exploitative kinds lacked, through poor briefing to take into account. For some this lack of balance, and perceived partisan behaviour indicates neo-colonialism with all of the unfortunate connotations of 19<sup>th</sup> century European & American imperialism in which such fundamentalist conduct was a conspicuous and far from honorable feature:

*'... Prashant Tamang, a community leader in the nearby village of Borang that has clung to its Buddhist heritage, said the selective distribution of aid had created tensions between communities.*

*"Dispute arises sometimes when Christians pressure poor people to adopt their religion by helping them in the time of need," he told AFP.'*

**Source:** <https://www.enca.com/life/despise-conversion-ban-christianity-spreads-in-nepal>

It is important for mutually respectful understanding to exist where human rights are involved or invoked, and it is essential that government ministers and UK diplomatic services have awareness of balanced facts on a given issue, and not unwittingly involved in supporting non-inclusive and very partisan, religion-based lobbying and related activity.

An example of human rights abuse by government agencies officers includes placing of refused stamps in Nepali citizens passports (which has across the globe the traditional and logical interpretation that the individual may be a criminal/suspected criminal, untrustworthy and unsafe to

have stay in another country) when in fact they had only been initially unsuccessful with applying for a visa, and the actual decision to refuse mitigated by the right to appeal (often successful). With passports being the property of both the individual who holds them and the state that issues them, it can readily be seen that the conduct mentioned, is a serious matter involving disrespect for another nation, and directly abusing human rights of the individual concerned.

This is raised in this report as an example of interest from the Nepali community side in regard to how parliamentary democratic protections and mechanisms can be used to remedy or mitigate the situation caused by maladministration of a government agency. It is particularly mentioned in light of the very different human rights issue raised in parliament by the DUP MP and taken up by the British Government. These conflicting approaches are of interest to the UK Nepali community and indicate how we can fulfil a direct and valuable function from community voice level where such approaches of different standards and levels of earnestness on human rights are concerned.

## Part C: Conclusion:

**For the delegates and organisations' they represent across the UK Nepali community learning about the great wisdom gathered over centuries as well more recent decades in regard to the Mother of Parliaments and Parliamentary Democracy by the British people is of exceptional value to both Nepal's development of parliamentary democracy, and the enhancing more fully the involvement in the latter of the British Nepali community.**

Human nature is the same anywhere in the world, and its strengths and weaknesses evident in the fields of politics, community cohesion, and parliamentary democracy. The experience of understanding about the characteristics and dynamics of the UK's parliamentary democracy through Westminster is therefore particularly valuable because of the length of the latter's evolution.

British parliamentary democracy is not perfect, but the emphasis honourably recorded in its history and evolution has been to either in timely or much slower ways, to respond to the needs of the voter and of the nation where changed values are concerned, or evils & abuses revealed that require remedy, or indeed in the case of exciting innovations on democratic processes, accountability, and good government are concerned.

Unelected officials with extensive powers in government agencies/entities to affect for good or ill UK citizens and the country's interactions with other nations and people's, are not subject to the accountability that elected politicians are, and often through that unaccountability and remoteness from service users, and usually long-term tenure in posts [especially the senior Whitehall civil servants] find themselves in positions where the elected politicians/ministers, etc. have little power to challenge such figures. This is a particularly important learning gained from the parliamentary educational initiative, and valuable for Nepal parliamentary democracy, especially federalism, development awareness.

It is our hope that this report will in some way contribute to this story of UK parliamentary democracy's evolution, be invaluable to Nepal's developing parliamentary democracy (that can teach



in turn, as we have seen in two or three examples in this report, inform and guide new practice in Westminster) and of course directly to building at practical level the UK as an effective and self-confident multicultural, diverse, nation.

We, UK Nepali community organisations, believe this report and its findings, as well as recommendations relevant to actions being taken forward, can assist both the UK and Nepal and of course the deeply treasured special friendship between the two nations.

A related educational visit to the Welsh Assembly completed (see final part of this report) the initiative in March 2018. A comparable local government fact-finding component is also to be considered of value to both UK Nepali community members/Council Tax payers/voters, including how learning can be applied in Nepal.

The Local Government Association have been contacted through a current [April 2018] UK Nepali advice initiative, where their independent group have been asked to assist the UK LGA with completing a questionnaire on accessibility and comprehensibility for UK Nepali community members, so this could be a valuable local government level educational initiative on local level democratic processes.

This of course is also a topic of major importance for the citizen of any country – the interrelationship of central government/national parliament/assembly, with local government and related democratic mechanisms. How and why this can be important is evidenced in paragraph H) on page 20 of the Report of the Technical Committee on Gurkha Pensions (March 2018):

*‘Social issues including integration within some areas of the UK was mentioned. This is beyond the scope of this Group and would be a local government issue.’*

The importance of the above entry from said report lies in the fact that a UK national government official [we must assume] has dealt with an extremely important topic by effectively dismissing across to the domain of local government, demonstrating an arbitrariness indicative of far from equal and well connected interrelationship between national & local government; a phenomenon that means the issues themselves – affecting real people directly in their lives – are not likely to be addressed swiftly or in an effective joined up way.

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## Outreach of dissemination & discussion in the UK Nepali community and to Nepal of learning from the visit as well as research on aspects of the latter and the Questionnaire and its responses

### Groups organisations & individuals involved:

- ☐ Non-Residential Nepali Association
- ☐ Tamu Dhee Association UK
- ☐ Sahara UK Association

- ☐ Char Banjyang Tamu Samaj
- ☐ British Gurkha Welfare Society
- ☐ UK Nepal Friendship Society
- ☐ Ram Bajar Society UK
- ☐ Greater Rushmoor Nepali Community
- ☐ Lamjung Samaj UK
- ☐ Pokhreli Forum UK
- ☐ Parbat Welfare Society Global
- ☐ Federation of Nepali Journalists UK (FNJUK)
- ☐ Bachchu Kaini: Nepali community member and Candidate (2017) for Dartford Constituency
- ☐ UK Sherpa Association

#### Outreach & dissemination of this report included:

The delegates who attended on the 23<sup>rd</sup> November visit to Parliament asked questions at the programme, and discussed information provided by the Parliament Outreach Team Manager, Mr Alasdair MacKenzie, in his presentation and also during Q&A sessions and breaks in the half-day bespoke educational programme.

Delegates also discussed amongst themselves the topics to emerge from information provided in the programme, including on the Community's advised questions (the questionnaire emailed in advance of the 23<sup>rd</sup> November to Mr MacKenzie and also to APPG for Nepal Chair, Mr Virendra Sharma MP), immediately after the programme, and amongst themselves in pairs and small groups in the days immediately following the visit.

Subsequently across December and into the New Year, delegates had at formal meetings of their organisations and groups board members, officers, and community members discussion on what they had learned on the day and about the latter in regard to a number of the questions of the delegation's questionnaire. However, there were across this period many informal discussions to across the different UK Nepali community organisations & groups.

On 13<sup>th</sup> December Mr Virendra Sharma MP, Chair of the APPG for Nepal provided after careful study, his responses to the delegation's questionnaire.

At that time research was made on particular points noted by or of interest to community leads (including particularly the NRNA and BGWS and Tamu Dhee and Sahara UK): this particularly on Hansard voting and questions regarding Nepal, and about APPGs and also Associate Parliamentary Groups (APGs).

In the 21<sup>st</sup> – 31<sup>st</sup> December 2017 period the information provided at the visit to Parliament of 23<sup>rd</sup> November by the delegation as well as study of the original questionnaire and the subsequent

responses of Mr Sharma, and the separate input and reflections on those questions by UK Nepali community organisation leads/officers and members, reached Nepal. There the information was carefully studied and discussed in political & government departments and community organisations circles.

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## Appendices:

### Appendix A:

#### UK Parliament visit questionnaire:

The purpose of the question themes is to inform and consolidate the knowledge of all sections of the UK Nepali community (and by extension other South Asian and/or British BME communities) on how the UK parliament actually works. This to inform understanding about how to engage with that process year-round, as well as on being able to make fully informed decisions when elections occur.

The other purpose of the question themes below is to hold up through the responses provided, a mirror to Nepal's own particular parliamentary democratic processes evolution, as the themes below have either full or partial replicability and transferability.

The current evolution of Nepal's parliamentary democracy may in fact be providing valuable experience that is transferable and replicable back to the UK's own parliamentary democratic systems evolution, particularly important at this time of Brexit.

This is especially the case in regards Brexit as the topics below adapt to the transfer of powers back to the UK of the last 40 plus years of EEC to EU legislation on trade, consumer rights, human rights, employment rights, etc. from the European commission in Brussels back to the UK Parliament, its devolved assemblies and Scottish Parliament.

#### Topics:

- First Past the Post versus Proportional Representation: differences and the merits and demerits of both from the point of view of voters and Parliamentarians.
- How the parliamentary system works in regard to roles of government and opposition (this is comprised of the 'official opposition / the party with the second largest number of seats + other non-government parties, such as the SNP, etc.)
- The role and functions of the Prime Minister and of the Leader of the Official Opposition
- The role, functions and powers of the government's secretaries of state & ministers, and of the Permanent Secretaries/Civil Servants -- Directors, Deputy Directors, Director Generals -- leads of government departments -- how do secretaries of state and their departmental ministers overcome a tendency for the Civil Service to systemise policy implementation rather than allow flexibility to the reality of Policy within communities

- The scrutiny and specialist advisory work of parliamentary Select Committees. How they can be approached for example on mobilising a cause, or about perceived systematic maladministration where government departments and agencies are concerned
- The role and work of All Party Parliamentary Groups (APPGs)
- The role of the Second Chamber, The House of Lords.
- The role of constituency MPs
- The role of Constituency MPs in the support & protection of their constituents. Specifically what are the views of senior ministers and the civil service to representations from Members of Parliament on behalf of their constituents. Can the Civil Service ignore such representations?
- Parliament and referenda: interpreting results.
- The role of the Speaker: how/where he/she can intervene on the conduct of MPs, Ministers, secretaries of state and Prime Minister.
- How parliament sees its role on business & trade development, cultural exchange, human rights and equality work and initiatives in other countries, through the influence of the Foreign and Commonwealth Office and Cabinet.
- Anti-corruption and anti-abuses measures in Parliament for both Government and constituency MPs – what are these measures and how are they implemented
- If an MP is felt to not being discharging his constituency obligations to assist a constituent on a representation or request for support, where can the frustrated citizen go on the issue of concern, or to lodge a grievance against an MP acting in such ways. CONTEXT: e.g. non-reply to polite [not rude or 'nuisance'] requests for their MP's support from a constituent.
- Value and authority of MPs supportive letters on behalf of constituents.
- Lobbying of MPs and ministers on issues, causes, initiatives by individual constituents, companies, charitable organisations, and registered lobbyists
- The integration of the Scottish Parliament and Devolved Assemblies in Wales and Northern Ireland, into the UK Parliamentary Process

## Appendix B:

People, Power and Parliament: *an introduction to your Parliament*. UK Parliament Outreach and Engagement Service. PowerPoint Presentation available from the Parliament Outreach Team: <https://www.parliament.uk/get-involved/attend-an-event/events-for-organisations/>

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## Observations and learning from Welsh Assembly visit of 6<sup>th</sup> March 2018 and community subsequent discussions on this knowledge and from the responses to the seven-questions community questionnaire:

Learning from the visit for Welsh Nepali community voters\*, at community members participation in democratic [AM constituency level] processes, and the responses to the valuable information that was provided to us from the Assembly team in answering our questionnaire is provided below.

\*Since news of the educational visit was disseminated through social media & the UK Nepali media, the educational visit organisers have received a number of contacts of appreciation for the visit's accomplishment, from Wales area Nepali community members.



The National Assembly of Wales educational learning reinforced, to direct UK Nepali community leads, in different ways to that learning gained from the Westminster visit and engagement, how the effectiveness of the knowledge gained differs at direct community & voter levels, to parliamentary exchanges (MPs delegations, etc.) in regard to tangible community empowerment and to democracy, in such rare but very important circumstances. This when community organisations leads & key figures, for and on behalf of the communities they represent, and with whom they have shared their learning (see asterisk note above), undertake such a fact-finding initiative. Community members/voters assess government and democratic process in ways different – impacts in real terms on real lives through outcomes [policies, and their implementation, etc.] -- to those directly involved as elected or potential elected representatives and/or government members.

At one point in listening to First Minister's Questions we realised how important our delegation visit was (and certainly as with the larger UK Nepali community organisations visit/engagement with Westminster, preceding it) because it was actually doing from the community side, and community led, the type of maximisation of the democratic process that was being discussed. This was as a result of the topic of voting at an earlier age (16) being covered.

For us although, the Assembly educational initiative had particular direct Nepal relevance because the Welsh Assembly provides unique experience and knowledge of about 20 years in creation of federalism, through devolution and its development. Knowledge based on experience that will be very helpful for both central and federal government and effective democracy in Nepal.

In the notes we have added from discussion and research, to the very helpful learning and information provided by the Assembly communications team in response to our questions, we provide some information that will also be valuable for the Senedd/Assembly to have, as too these main feedback points contained here in this first part of our overview.

Overview of main conclusions from the visit and discussions within the UK Nepali communities (BGWS and Sahara UK) that represented the UK Nepali community about what was learned on the 6th March in Cardiff:

The immediacy direct personal learning effects of coming to Cardiff -- one of the individual nations four capitals of the United Kingdom of England, Wales, Scotland, and Northern Ireland -- first to the National Assembly, and then being in the streets of the capital of Wales and hearing its people speaking both English and Welsh was an inspiring and educational experience.

Through it the UK Nepali community organisations visiting the Assembly learned so much about the United Kingdom's culture and its four main peoples. This has helped us with both better knowledge about the racial/ethnic composition of the UK in much earlier times when all four constituent countries were independent, and then came to be united.

As these developments took place many hundreds of years ago, they taught us something about the strengths of the four different racial groups of the UK, and that originally the English people came from Europe (North-West Germany, Denmark, and Sweden) and weren't natives of Britain, but had the honour to lead on forging in different ways the unique British identity and British (English/Welsh/Scottish/Northern Irish) influence and role in the world.

Nepal as we know it, has a similar history where one King united the small feudal states, although small in size it has a diverse population with their own culture, religion and even language, while Nepali is the national lingua-franca, similar to the English language that binds all.

We learned as an outcome of the visit, about the particular role of Wales, the People of Wales in terms of through the UK shaping the industrial evolution of the World. South Wales Coalfields and Steel Industry (The Port Talbot steel plant being the prime legacy example), and also about the role of Wales through the UK. This in the English language world regarding the Arts but so many other areas too.



This including UK national leaders [kings of England] poetry, writers, famous singers and actors, etc. Dylan Thomas, Tom Jones [singer], Anthony Hopkins [actor], Vinnie Jones [Wales we learned created the famous sport of Rugby], Henry VII [a king of England], T.E.Lawrence 'Lawrence of Arabia,' Captain Morgan [buccaneer], Laura Ashley [globally important designer], etc.

This identity has many facets, and is a shared accomplishment of all four peoples, we Gurkhas, UK Nepali citizens of the UK understand. Nepal and the Nepali people, especially the Gurkhas entered into British history much more recently, only about 200 years ago, and as a result Nepal has had a special relationship with the UK different to all other nations and peoples, that have had interaction with the UK when it was a colonial/ imperial power, and after in more recent and current times.

Through the UK at national/London level, and from Cardiff for Wales, we felt as a result of the Assembly & Cardiff visit, that there is much more to the UK. And that in terms of a number of practical level similarities, and also on the cultural vibrancy based on ancient roots (both Wales and Nepal are exceptionally rich for preserving and showing their very rich arts heritages), Nepal and Wales have and need to develop closer ties.

We the delegates of the 6th March National assembly visit, hope that Cardiff and London can assist on this as the UK & Nepal pass into a new century of special historic relationship and friendship between our two racially & culturally diverse nations and peoples, with the latter clearly involving the great people of Wales.

From community members [the direct beneficiaries of the Assembly learning] perspective this is quite separate to the formal parliament-to-parliament work of for example the Intra-parliamentary Union, and of course the greatly respected work of our Nepali & British diplomats (whose remits are quite different to those covered by the direct voters/community-level educational initiative).

Specific potential Wales – Nepal relations actions arising from the Assembly visit could include, it was felt:

- Cultural and Arts links exploration and development between the national cultural institutions and creative/arts institutions & famous figures, of the two peoples and nations
  - Suggested value to voters in both countries of the Welsh Government, and potentially the National Assembly, and the UK Government Welsh Office (including Secretary of State) on getting a distinct Welsh input to UK government departments such as the Department for International Trade (DIT)
- .....

#### **News links referring to the Assembly visit:**

<https://uknfs.org/trade-announcements-uk-nepali-community-organisations-welsh-assembly-visit/>

<http://wenepali.com/2018/03/46941.html>

<http://www.dainiknepal.com/2018/03/305098.html>

<http://www.nepalbritain.com/?p=32358>

## Learning and some observations:

### Topics discussed at the Assembly:

These included lowering the age of voting to 16, and about the youth parliament concept. We found these particularly important because the nature of the question and answers on this topic was such as to link with mature understanding of citizenship and the rights and responsibilities that go with it. Making learning about political process in conjunction with citizenship is a most important principle, and valuable to multicultural diverse UK, and to Nepal itself. In the main section of this UK parliamentary democracy educational initiative report, a recommendation is actually made on a social competence citizenship test.

This recommendation from our UK Nepali community organisations collective thinking, could be a valuable contribution to the type of discussions and concepts mentioned above, for it also would help on political democratic processes & citizenship being a fuller benefits delivering phenomenon for building an inclusive mature and self-confident democracy where no one is or feels excluded through want of having the knowledge and skills to make informed choices in regard to all levels of democracy.

### Democratic accountability – comparisons with Westminster:

We saw in listening to First Minister's Questions and two subsequent thematic Q&A sessions on 6<sup>th</sup> March, a greater readiness to respond in detail to the questions asked, rather than 'by position statement' (which we know can be a phenomenon in the House of Commons, but less so in the Second Chamber [House of Lords] at the UK Parliament in Westminster). We also noted more emphasis on non-confrontational Q&A interactions, which is what we feel is democracy at its best and a desirable model for both our national parliament, and federal democratic institutions in Nepal.

### History of the Assembly's creation: Physical structure of the Assembly/Senedd chamber:

The information we learned regarding concept for the chamber, its building materials (national symbolism connected to the land, people, nature and history), and even provenance symbolism of the Senedd Mace (from the parliament of New South Wales: reminding of the role and history of Wales and the people of Wales, historically in the wider world), was both inspiring and of great practical information value for Nepal, and the development of the Nepal federal regions, especially their seats of democratic governance.

### Racial diversity & inclusion -- Bilingual dimension:

Nepali and other UK ethnic minority communities often find in England challenges to them with the perception of monoculture inadvertent or direct thinking in regard to information being available in languages other than English. This can be from local authority officers, policy level, or simply from some (a very small minority) that may not be comfortable with those who are racially or culturally different. This can make some of our community members uncomfortable or even upset and a little

fearful, and certainly where reluctance or hostility is revealed regarding having translated material not available, or able to be arranged, directly disempowered.

In Nepal many languages are spoken in addition to our main official language, Nepali, and English and Hindi are widely known and used.

Learning about and directly witnessing the bilingual dimension of practical democracy in Wales through the Senedd, and we are sure more broadly, reminded about how Nepal is a polyglot/multiracial nation, with our aspirations to foster National & pan-national Community/Social cohesion, and how this is not possible with monoculture values influencing the functioning of democratic mechanisms and de-facto behaviour/strategies of ethnic minority communities engagement by public/statutory services.

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## Welsh Assembly Questions from the UK Nepali Community Organisations: Responses from the Assembly information team, with notes from study by the community

Responses provided by the Assembly International & Communications Team: NOTE: questions in **Red**, Assembly International & Communications Team responses in **Blue**, with community observations, notes and related information in **Brown**.

- 1. What executive powers do the assembly and Government of Wales have independent of Westminster and Whitehall?*

Please see below a link the Assembly's 21 areas of devolved powers.

<http://www.assembly.wales/en/abthome/role-of-assembly-how-it-works/Pages/Powers.aspx>

**Assembly Members discuss, debate and make laws that shape life in Wales. We have powers to change these areas of Welsh life:**

- ☐ Agriculture, Forestry, Animals, Plants and Rural Development
- ☐ Ancient Monuments and Historic Buildings
- ☐ Culture
- ☐ Economic Development

- ☐ Education and Training
- ☐ Environment
- ☐ Fire and Rescue Services and Fire Safety
- ☐ Food
- ☐ Health and Health Services
- ☐ Highways and Transport
- ☐ Housing
- ☐ Local Government
- ☐ National Assembly for Wales
- ☐ Public Administration
- ☐ Social Welfare
- ☐ Sport and Recreation
- ☐ Tourism
- ☐ Devolved Taxes
- ☐ Town and Country Planning
- ☐ Water and Flood Defence
- ☐ Welsh Language

*2. Interaction with the UK/Westminster parliament: what areas of Welsh Assembly pan-Wales powers exist in economic, public services, and community & social inclusion compared to those retained by the Westminster Parliament?*

Please see below some links from the webpages of the Secretary of State for Wales / Wales Office which may be of interest in this respect.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/668164/FINAL\\_WO\\_Updated\\_Text\\_-\\_2017\\_002\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/668164/FINAL_WO_Updated_Text_-_2017_002_.pdf)

Support a trade and foreign investment policy that delivers for Wales

The UK Government has been getting behind Welsh businesses and creating the right conditions for growth – there are now 18,000 more SMEs in Wales than in 2010.

We are also helping more Welsh businesses to gain access export markets, and the Office of the Secretary of State for Wales and the Department for International Trade are working together to attract foreign direct investment to Wales. Last year, there were 85 Foreign Direct Investment projects to Wales, and 95% of these received support from the Department for International Trade. British Business Bank programmes are currently facilitating over £268 million of finance to over 1500 small businesses in Wales. This includes Start Up Loans delivered to businesses in Wales, which since the programme began in 2012, has issued over 2,100 loans to businesses in Wales, totalling over £17 million (as at the end of October 2017).

<https://www.gov.uk/government/organisations/office-of-the-secretary-of-state-for-wales/about>

The Office of the Secretary of State for Wales supports the Welsh Secretary and the Welsh Ministers in promoting the best interests of Wales within a stronger United Kingdom. It ensures Welsh interests are represented at the heart of the UK Government and the UK Government's responsibilities are represented in Wales.

### **Contents**

1. [Objectives](#)
2. [Corporate information](#)

### **Objectives**

Lead minister: [Alun Cairns, Secretary of State for Wales](#)

Lead official: [Glynne Jones, Director of Wales Office](#)

The Office of the Secretary of State for Wales' role is to:

- ☐ **Promote the Welsh economy and the economic interests of Wales.**

We will work with UK Government colleagues, the Welsh Government, business and other stakeholders to drive economic growth, encourage inward investment and create a more balanced Welsh economy.

- ☐ **To reform the devolution settlement and deliver a clearer, fairer and stronger settlement for Wales.**

We will deliver a coherent and stable devolution settlement through the Wales Bill and ensure that UK Government, Welsh Government and National Assembly for Wales legislation accurately reflects the devolution boundaries. We will seek to foster a productive relationship between the UK Government and the Welsh Government in Wales.

- ☐ **To represent Wales' interests within the UK Government, and to promote a wider understanding of UK Government policies in Wales.**

We will work closely with UK Government departments to ensure that Wales' interests are fully represented in UK Government policy-making and implementation. We will raise awareness in Wales of UK Government policies in non-devolved areas.

[Find out more about the UK Government's commitments to the people of Wales](#)

Secretary of State for Wales Responsibilities: <https://www.gov.uk/government/people/alun-cairns-mp>

### **Secretary of State for Wales**

The Secretary of State is responsible for the overall strategic direction of the Wales Office. Responsibilities include:

- ☐ Overall Strategic Direction
- ☐ Constitutional and Electoral Issues
- ☐ Economy and Business
- ☐ Budget
- ☐ Infrastructure
- ☐ Foreign Affairs
- ☐ Steel
- ☐ Swansea City Deal / Tidal Lagoon
- ☐ North Wales Growth Deal / North Wales transport modernisation
- ☐ Broadcasting
- ☐ Exiting the EU

*3. What ability exists for Nepali (and broader BME) residents in Wales to represent community-relevant issues or needs at Assembly and AM levels?*

The Assembly has an engagement strategy that has been developed to reach out to communities who are historically under-represented in political life, including BME people. This strategy identifies the different methods and messages that can be used to engage and increase participation, including outreach activities designed to encourage BME to engage with their elected representative and the work of the Assembly.

Each October, the Assembly participates in Black History Month, an opportunity to engage with BME people in Wales, to encourage their democratic participation and to promote the Assembly as an employer of choice.

The Gurkhas are very proud of their special association with Wales, through the British Army: Brecon and Sennybridge.

We Nepali people would like to explore sharing more about our culture in areas such as folk festivals, film and arts, cuisine. ....

So, we see symbolic and practical links between the Welsh and Nepali peoples and between the two countries as very desirable.

*4. Government of Wales civil service and government departments accountability to Welsh voters on their performance that directly affects their lives.*

The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales, agrees Welsh taxes and **holds the Welsh Government to account.**

The First Minister and all Welsh Government Cabinet Secretaries/Ministers are held to account through a number of measures. This included being questioned by the Assembly in Plenary each week and by individual policy committees. Of interest also, the Assembly has a



Scrutiny of the First Minister Committee (chaired by the Assembly's current Deputy Presiding Officer, Ann Jones AM)

The Committee was established on 28 June 2016 to scrutinise the First Minister on any matter relevant to the exercise of the functions of the Welsh Government.

The Committee has agreed to meet in public once during each Assembly term and in different locations around Wales where possible. It also agreed to take a strategic approach and to focus on areas related to the First Minister's specific portfolio responsibilities or his leadership role for the Welsh Government.

Further details of the committee can be found here

<http://www.assembly.wales/en/bus-home/committees/Pages/Committee-Profile.aspx?cid=450>

The Welsh Government also holds outreach sessions called “**Carwyn Connects**” for the Welsh public to question the FM directly. Again, these travel the length and breadth of Wales. Ultimately, those holding offices of power in Wales are held to account by the voters who have a choice to return them to power or to choose alternative representatives at the polls.

This concept of ensuring scrutiny is not just restricted to the capital, but actually has a component for visiting different geographical locations across Wales, we found very important.

On accountability/involvement/taking up an issue or cause:

<http://www.assembly.wales/en/gethome/Pages/getinvolved.aspx>

On individual committees: <http://www.assembly.wales/en/bus-home/committees/Pages/committees.aspx>

Constitutional and Legislative Affairs Committee: <http://www.assembly.wales/en/bus-home/committees/Pages/Committee-Profile.aspx?cid=434>

Remit: The committee was established on 15 June 2016 to carry out the functions of the responsible committee set out in Standing Order 21 and to consider any other constitutional, legislative or governmental matter within or relating to the competence of the Assembly or the Welsh Ministers, including the quality of legislation.

5. *What message would the Welsh Assembly have to Welsh Nepali community members on maximising their AM and Welsh local councils voice and seeking means at both AM and local councils' level to stand for election as candidates.*

The Assembly's engagement activity focusses on democratic participation and encouraging people from different communities across Wales to be involved with the work for the Assembly.

The following guidance on Entitlement to be an Assembly Member of the National Assembly for Wales.

<http://www.assembly.wales/en/memhome/mem-work-become-mem/Pages/becoming-am.aspx>

6. *Nepal is establishing a Federal parliamentary democracy. What lessons and guidance does the National Assembly of Wales have for both Nepal Federal democracy and Federal government, and for Nepal's national parliament and national government organisations and agencies, from the Welsh experience of devolution to date?*

The National Assembly for Wales is an outward looking democracy and is pleased to look at opportunities, where appropriate, to discuss and exchange best parliamentary practices... \*

\* The Welsh Assembly team facilitating the UK Nepali community educational visit, clarified, for the record [a rider to the above], that such exchanges could only be made if a formal parliamentary level request be made from Nepal [or Wales].

In other words there is No direct community/voter voice representation in terms of valuable intra-parliamentary/international [between British & other countries] learning exchange, that can be made for direct voter-benefiting learning, except via the voters representatives [Assembly Members] and in turn the mechanisms [civil service] that solely enable at practical administrative levels, such representatives making such a request through their own initiative and/or at the request of those [voters] who elect them.

In a related email it was suggested by the given civil servant, that the Nepal parliamentary authorities could request formal learning exchange with the National Assembly of Wales in regard to the latter sharing experience on the evolution and development of Wales context devolution/federalism; proposal from Wales to Nepal was not mentioned.

This was most valuable in demonstrating the power of [unelected] civil servants, who have the de-facto ability on important interactions with voters' delegations, in this case involving directly a specific BME/ethnic minority, to make decisions on their own, of great importance to voters, without the direct witnessing/involvement of elected figures\*\*.

\*\* In demonstration of this revealed phenomenon, the related context email had only a civil servant colleague copied in: this was on an email addressed directly to the Speaker/Presiding Officer of the Welsh Assembly. The lady had not been copied in.

We explained that Nepal is at the very start of developing its federal dimension of democracy. What we learned was that since the referendum on devolution in 1979 that showed only 20% support Brexit is a valuable experience, as it is making clear that some functions have to be dealt with at different levels, international, multinational state (such as the UK), devolved/federal, and city and local district levels. BBC news link of 9<sup>th</sup> March 2018 on EU related powers transference back to the UK involving debate on which should be held at pan-UK/national level, and specific UK nations level: <http://www.bbc.co.uk/news/uk-scotland-scotland-politics-43343716> and <http://www.bbc.co.uk/news/uk-wales-politics-43343707> ('Brexit: Powers to be held back temporarily from Wales revealed').

Nepal context on need for and initial structuring of federalism:

Wikipedia: [https://en.wikipedia.org/wiki/Nepalese\\_Federal\\_States](https://en.wikipedia.org/wiki/Nepalese_Federal_States)

Schedule 4 of the Constitution of Nepal, adopted on 20 September 2015, provides for the division of the country into seven **Provinces** (Nepali: प्रदेश, *Pradesh*). The provinces were formed by grouping the existing districts; two districts (namely, Nawalparasi and Rukum) were split between two provinces. Each district has local units. Nepal includes 6 metropolises, 11 sub-metropolises, 276 municipal councils and 460 village councils.<sup>[1]</sup> The current system of seven provinces replaced an earlier system where Nepal was divided into 14 Administrative Zones which were grouped into five Development Regions.

In January 2018, the Government of Nepal announced temporary headquarters of seven provinces.<sup>[2]</sup> According to Article 295 (2), the permanent names of the provinces will be determined by a 2/3 vote of the respective province's legislature.

### **Proposal suggests 15 ministries at centre and 7 in provinces**

Published: October 09, 2017 4:03 pm The Himalayan Times

<https://thehimalayantimes.com/kathmandu/proposal-suggests-15-ministries-at-centre-and-7-in-provinces/>

According to Neupane, it has proposed to have the Office of the Prime Minister and Council of Ministers, the Ministry of Finance and Planning, the Ministry of Forest, Science and Environment, the Ministry of Law, Justice and Parliamentary Affairs, the Ministry of Industry, Commerce and Supplies, the Ministry of Agriculture, Cooperatives and Land Management, the Ministry of Home Affairs, the Ministry of Water Resources and Energy, the Ministry of Foreign Affairs, the Ministry of Physical Infrastructure and Transport, the Ministry of Defence, the Ministry of Education and Communications, the Ministry of Women and Social Justice, the Ministry of Culture, Tourism and Sports, and the Ministry of Health and Population.

Similarly, the ministries proposed in the province level include the Province Council of Ministers and Chief Minister Office, the Province Home Affairs, the Province Finance, the Province Infrastructure Development, the Province Agriculture and Land Management, the Province Forest, Science and Environment, and the Province Education Health and Social Development.

### **My Republica:**

Link: <http://www.myrepublica.com/news/12673/> January 7, 2017

#### **'New local federal structure'**

KATHMANDU: The lowest level of the governance unit in a federal structure is regarded as one of the most important tiers of governance. As the tier is right at the grassroots its

effectiveness will ensure the success of the federal structure usually adopted to replace an existing form of governance.

Nepal too joined the increasing list of federal states, with the adoption of a federal structure of governance envisaged in the new Constitution of Nepal adopted by the first ever Constituent Assembly of the country in 2015.

For Nepal, the local body is more important because it was largely due to the highly centralized rule in the past including in the post-1990 democratic era that the demand for federalism got materialized. People felt the need to have their state machinery right at their doorstep, and not need to travel all the way to Kathmandu for each and everything.

Further, people wanted to develop themselves and their area in the way they like and not on the basis of the people who sit in the urban centres and decide on their behalf.

**NOTE:** from experience in the UK in the different United Kingdom constituent nations [Scotland, Wales, Northern Ireland, and for the historically dominant country, England, at English regional, and cities and counties and county districts levels] this wisdom is one of great value to the UK, especially following the 'Brexit' decision that accorded strongly with the impetus for federal democracy in Nepal, a long time before the 2016 UK membership of the European Union vote took place.

7. *Welsh Assembly coverage of protections and promotion of equality, inclusion and diversity: what guidance, from WA experience can the Assembly provide to the Federal Republic of Nepal on practical measures/mechanisms and policies (and their monitoring) regarding equality, inclusion and diversity?*

The Assembly's equality responsibilities come from two main pieces of legislation:

1. The Government of Wales Act that created the National Assembly for Wales states that the Assembly "must make appropriate arrangements with a view to securing that their functions are exercised with due regard to the principle that there should be equality of opportunity for all people." It's written into the founding principles of the Assembly.
2. The Equality Act is a wide reaching piece of legislation that provides legal protections for people on the basis of the protected characteristics – Age, Disability, Gender Reassignment, Marriage / Civil Partnership, Pregnancy / Maternity, Race / Ethnicity, Religion / Belief, Sex, Sexual Orientation.

The National Assembly for Wales is listed as a public body within the Act and as such has statutory duties to eliminate discrimination, promote equality of opportunity and foster good relations between different groups. As a public body the Equality Act places a number of duties on the Assembly, including:

- ☐ Produce a [Diversity Strategy](#) and [Annual Reports](#).

- Engaging with the people of Wales – our service users
- Equality Impact Assessing - Considering equality issues when making decisions, designing policies or making changes.
- Monitoring our staff, people who apply for jobs with us, and pay gaps. These monitoring reports are published in our Annual Report.

The best place to find out more about the duties under the Equality Act is from the [Equality and Human Rights Commission](#).

The Assembly strives to ensure an inclusive working culture on its estate that supports and values the diversity of the workforce and where people feel comfortable, respected and appreciated. The Assembly's Diversity and Inclusion team consists of three people who take forward the Assembly's statutory obligations. They work with colleagues across the organisation to make sure that diversity and inclusion is built into people's work. The team are assisted by our workplace equality networks. The networks are instrumental to the organisation in its aim to achieve a safe, inclusive and diverse working environment for all. The networks help the organisation to promote equality, foster good relations and remove discrimination in a number of ways, including offering advice on diversity, inclusion and equality issues and impact assessing policies to ensure they are fair and inclusive. The networks exist to provide informal peer support, networking opportunities and a platform for discussing issues affecting members of the networks.

The Assembly uses external benchmarking as a monitoring tool in order to review our approach to diversity. We have received a range of external recognition and awards for our commitment to our staff and to furthering diversity and inclusion in our workplace and for our service users:

- We are a member of Stonewall's Diversity Champions Network and have been recognised in Stonewall's Workplace Equality Index as one of the Top UK Employers for lesbian, gay, bisexual and transgender (LGBT) people each year since 2009. We are currently ranked first in the UK in the 2018 index. We have been named the Top Public-Sector Employer in Wales for the last five years, a top Trans employer and our LGB staff network has been named the best in Wales. We have also been named by Stonewall as a Star Performer organisation due to our consistency at the top of the Index.
- We have achieved the Action on Hearing Loss Louder than Words charter mark for supporting staff and visitors who are deaf or have a hearing loss. We have also been awarded Excellent Wales awards by Action for Hearing Loss Cymru as an exemplar organisation.
- We have been recognised as one of The Times / Opportunity Now Top 50 Employers for Women.
- We also have Age Employer Champion Status and have been recognised as a Disability Confident employer by the Department for Work and Pensions.
- We are committed to providing a family-friendly working environment and have been ranked in the Top Ten UK employers, accredited by the Top Employers for Working Families organisation, an industry-recognised bench marker for good practice when it comes to providing a working environment that allows for a positive work/life balance.

- We have received the Investors in People Gold Standard, recognition from the international mark of global excellence.
- We have been awarded the National Autism Society Access Award. This recognition shows our commitment to making sure that our buildings are accessible to visitors with autism and that our staff have been trained to welcome them.

We felt equality, diversity, inclusion to be most important for Nepal in light of the new constitution and our goals by approximately 2030 to move to developed nation status. External benchmarking, is something that will be invaluable, and the active work and great expertise in Wales and the UK on inclusion & equality is something we would like to consider, especially as our valuable status as a UK ethnic minority community gives us great insights into this area so important to community cohesion, the nation, and citizens quality of life.

## Appendix:

### Welsh Assembly Questions from the UK Nepali Community Organisations:

- What executive powers do the assembly and Government of Wales have independent of Westminster and Whitehall?
- Interaction with the UK/Westminster parliament: what areas of Welsh Assembly pan-Wales powers exist in economic, public services, and community & social inclusion compared to those retained by the Westminster Parliament?
- What ability exists for Nepali (and broader BME) residents in Wales to represent community-relevant issues or needs at Assembly and AM levels?
- Government of Wales civil service and government departments accountability to Welsh voters on their performance that directly affects their lives.
- What message would the Welsh Assembly have to Welsh Nepali community members on maximising their AM and Welsh local councils voice and seeking means at both AM and local councils' level to stand for election as candidates.
- Nepal is establishing a Federal parliamentary democracy. What lessons and guidance does the Welsh assembly have for both Nepal Federal democracy and Federal government, and for Nepal's national parliament and national government organisations and agencies, from the Welsh experience of devolution to date?
- Welsh Assembly coverage of protections and promotion of equality, inclusion and diversity: what guidance, from WA experience can the Assembly provide to the Federal Republic of Nepal on practical measures/mechanisms and policies (and their monitoring) regarding equality, inclusion and diversity?