



*Observation Report  
of  
Nepal's Constituent Assembly Elections-2008  
May 2008*

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## Map of Nepal



## **Foreword**

The Researchers (TR) observed the Nepalese elections under its regional initiatives, Women & Politics in Asia Forum (WPAF). WPAF initiative focuses on role of women in politics in Asia along with additional focus on women contested constituencies. Under this initiative WPAF's Thailand Chapter - King Prajadhopak Institute (KPI) followed the Thai elections held in December 2007. Elections in Pakistan were held in February 2008 and 65, out of 176, directly contested women constituencies were observed by TR. Nepal's Constituent Assembly's election had women contesting on general and reserved seats hence it captured TR's interest to follow this election.

Accreditation to Nepalese election was received late in the process which did not allow us to appoint a long term observers. TR could only send a 2 person observation team to observe Katmandu area where women were contesting in 6 constituencies i.e. Katmandu 1,2,3,4,8 & 10. The secondary data was gathered by desk research for pre-election phase. For Election Day South Asia Partnership International (SAPI) coordinated the TR's observation along with their observers which had members from India, Bangladesh, Sri Lanka, Pakistan & Nepal. This provided the spectrum and value addition to the group's learning and observation. The group had orientation and debrief meeting hence the observations are collated from Katmandu, Kaski, Bharat Nagar, Sunsari, Pokhara, etc. The team also had the opportunity to attend international monitors debrief which helped in validation and correlation of data and observations.

The process of opening up to the international observer and its procedural requirement did not allow the TR, desk and field teams, to exclusively focus on women dynamics. However under each heading women related information is compiled to the extent available. Electoral processes were generally gender neutral. In the recent political processes political struggle for women was seen to be more from the party platform then personal. The social push-n-pull phenomenon was prevalent by female contestant being politically related. Hence you would find women related observations to be mainstreamed in different parts of the report.

The Paucity of time did not allow us to undertake an in-depth research. TR is thankful to the South Asia Partnership International (SAPI), Dr. Rohit Kumar Nepali, for his personal and organizational support. We would also like to thank all our friends from India, Bangladesh, Sri Lanka, Pakistan and Nepal who facilitated our work and shared their observations for the report.

**Aazar Ayaz & Fauzia Yazdani**  
**May 2008**

# 1. Nepal – An Overview

## 1.1 Geographic Lay Out

Nepal is situated in Southern Asia between China and India. Total area is 147,181 sq km (land: 143,181 sq km, water: 4,000 sq km). The population of the country is 28,901,790 (July 2007 est.). Katmandu is the Capital of Nepal. Nepal is divided into 14 zones and 75 districts, grouped into 5 development regions. Each district is headed by a permanent Chief District Officer responsible for maintaining law and order and coordinating the work of field agencies of the various government ministries. The 14 zones are: Bagmati, Bheri, Dhawalagiri, Gandaki, Janakpur, Karnali, Kosi, Lumbini, Mahakali, Mechi, Narayani, Rapti, Sagarmatha, Seti

### **Neighbors:**

Nepal had three neighbors on its borders until 1974, and since then only two after the eclipse of Sikkim. Neighborly interaction for contemporary Nepal is somewhat different from that of Prithvi Narayan Shah's reference to a "yam between two rocks". In effect, Nepal is more entangled on one side. On the map, Nepal is located between India and China. But the relationship with the neighbors to the south and the north are not at the same level. The main reason for this is the Himalayan barrier along the northern border. Physically, the monsoon from the Indian Ocean cannot penetrate this barrier to provide succor to Tibet. Culturally, the Nepali people know largely nothing about Chinese leaders, its culture or its cinema, while they are quite conversant with India's local politics, customs and the Bombay film world. This last is evident from the fact that in December, Nepal experienced communal violence on the pretext of what an Indian actor was alleged to have said. To say that Nepal and India have deep historical, geographic, linguistic, religious and cultural ties has become a well-worn cliché. It is this very 'depth' of relationship that is perceived by Nepalese as bigger country taking advantage of a smaller neighbor. The historical reality is that conflict is more prone between neighboring states, just as competition for resources occurs between proximate countries rather than with distant ones. After the establishment of the Gorkhali state, all of its wars were fought with the neighbour: Sikkim (1783), Kumaon (1790), Tibet (1791-93), British India (1814-16) and Tibet (1855-56).

Linguistic and religious matters fall under the realm of culture that transcends national boundaries. Of the 30 languages recognized by the Nepal census, 14 are Indo-Aryan, 14 Tibeto-Burman, and one each Munda and Dravidian. The fact that today 80% of the country's people speak Indo-Aryan tongues, 17% speak Tibeto-Burman, and a negligible number speak Munda or Dravidian languages is due to the state's language policy.

Landlocked Nepal has always remained a market for India. The status somewhat improved with Nepal's joining of the Universal Postal Union in the 1950s, and currency autonomy achieved in the 1960s. However, the fact of the day is that the Nepali market has substantive Indian currency circulation, with fixed parity of 160 Nepal Rupees to 100 Indian Rupees, which indicates the vulnerability of Nepal's monetary situation. India has been generous in giving aid to Nepal in diverse sectors: roads, electricity, agriculture, education, health, culture and so on. However, there is a curious policy in the industrial sector—helping Nepal set up industrial districts but maintaining an embargo on their products to the Indian market.

Neighbourly influence has played a decisive role in Nepali politics. The agreement between the Rana regime and the democratic forces was brokered in 1951 by India. In 1990, the Indian economic blockade played a vital role in the tripartite engagement among the royal palace, the Nepali Congress and the Nepali Left. There is a general misconception that the democratic side is seen to be India-centric, and the Left Sino-centric.

## 1.2 Economic & Social Layout

**State of Economy:** Nepal is among the least developed countries in the world with almost one-third of its population living below the poverty line. Agriculture is the mainstay of the economy, providing a livelihood for three-fourths of the population and accounting for 38% of GDP. Industrial activity mainly involves the processing of agricultural produce including jute, sugarcane, tobacco, and grain. Security concerns relating to the Maoist conflict led to a decrease in tourism, a key source of foreign exchange. Nepal has considerable scope for exploiting its potential in hydropower and tourism, areas of recent foreign investment interest. Prospects for foreign trade or investment in other sectors remains skeptical because of the small size of its economy, technological backwardness, law and order situation, landlocked geographic location and its susceptibility to natural disaster.

Following are some facts reflecting state of economy in Nepal:

GDP (purchasing power parity):	\$30.66 billion (2007 est.)
GDP (official exchange rate):	\$9.627 billion (2007 est.)
GDP - real growth rate:	2.5% (2007 est.)
GDP - per capita (PPP):	\$1,100 (2007 est.)
GDP - composition by sector:	Agriculture: 38%, Industry: 20%, Services: 42% (FY05/06 est.)
Labor force - by occupation:	Agriculture: 76%, Industry: 6%, Services: 18% (2004 est.)
Unemployment rate:	42% (2004 est.)
Population below Poverty Line:	30.9% (2004)

**Religions:** Hindus constitute 81% of the total population while other minority religions in the country are: Buddhist 11%, Islam 4%, Kirant 4% (2001)

**Culture:** Nepalese culture is diverse, reflecting different ethnic origins of the people.

**Ethnicity:** There are 40 different races and tribes. The two major groups in Nepalese society are Tibeto-Burmans, or Mongoloids from the north, and Indo-Aryans from the south. The distribution of the different ethnic groups reflects the geographical diversity of the country. The major ethnic groups are:

**Newar:** Kathmandu has been the homeland of Newar community. The Newars are inhabitants of a Tibeto-Burman origin who speak in Newari as well as Nepali. The Newars are among the largest indigenous groups of Nepal and make up the 7% of the total population. Several Newari families follow Buddhism as well as Hinduism. The people of this groups usually inclined towards commerce, trade and farming. They have excelled in art, literature, sculpting, casting bronze, silver and fascinating forms of architecture.

**Brahmin:** Brahmins are the priestly class of indo-Aryan origin, also known as Bahuns, occupies the highest position in the Hindu hierarchy. They are said to have come to Nepal from different parts of India. Today they are found in every part of Nepal and have taken up different occupations.

**Chhetri:** The Chhetris, who like the Brahmins also have an indo-Aryan origin, have been traditionally classified as warriors and administrators. They are recognized for their bravery and administrative skills. Today, they are distributed in almost all the parts of Nepal. They have been working in different fields. They are said to have originally come from northern India during and after the time of Buddha. The Khas are generally regarded as Bahuns and Chhetris who set up their own kingdoms in the far-western parts of Nepal.

**Gurung:** They are originally belonging to the Tibeto-Burman ethnic group, live mostly in the central region of Nepal in places like the foothills of western part. The Gurungs are good farmers as well as warriors. They, like the Rais, Limbus and Magars, have introduced themselves internationally as the brave Gorkha-soldiers.

**Kiranti:** The Kirantis are among the first group of people ruling over Nepal. Ancient Hindu texts like Himvat-Khanda and Mahabharat have mentioned their names. They basically come from eastern Nepal.

These people of Tibeto-Burman origin worship their ancestors and at the same time follow Buddhism, Hinduism, and Animism and so on. They are very good farmers and warriors. They are rich in culture and have several languages and scripts.

**Magar:** The Magars, having Tibeto-Burman origin, live in the western region of Nepal. They speak the Tibeto-Burman language and are Hindu by faith but they also follow Buddhism. The Magars are mostly farmers but their martial qualities and physical fitness have made them perfect soldiers.

**Sherpa:** They are said to have come from Tibet, speak the Tibeto-Burman language and live in the Himalayan region of Nepal. They are hard worker, friendly and reliable. The largest Sherpa settlements are in SoluKhumbu at the foothill of Mt. Everest. The Sherpas are adventurous mountaineers of international repute.

**Tharu:** They are the only people living in the forest of the Terai along the southern base of Nepal. Their age-old religion has been Animism that often reflects their mixed belief in Hinduism and Buddhism. They are said to be descendants of the Rajput (ruling class) of India have spread from eastern to western part of Nepal.

### **1.3 Donors & Foreign Agencies**

Nepal continues to rely heavily upon external financing. Foreign assistance financed approximately 50% of the development expenditures since FY2000, and grants and foreign loans have remained around 6% percent of GDP since FY1992. Domestic resource mobilization continues to be a critical issue for which tax reforms and improvements in tax administration are being implemented. Among multilateral institutions, ADB and the World Bank are the major donors in Nepal. Among bilateral donors, Japan continues to be the largest. In recent years, these three have accounted for about 55% of total external assistance. United Nations agencies (UNDP, World Food Program, and United Nations Children's Fund) are also active in Nepal. World Bank assistance is directed to the financial sector, natural resources, energy, industry, trade, and transport. The World Bank strategy in Nepal now uses performance based lending. Their approach is similar to ADB's strategy, addressing poverty reduction by promoting broad-based economic growth that will include investments in agriculture, small-scale enterprises, and physical and social infrastructure. Japan's assistance is also targeted at poverty reduction largely through programs supporting enhanced agricultural productivity, regionally balanced income generation and infrastructure development, and expansion of social services. The other major bilateral donors are Denmark, Germany, Switzerland, the United Kingdom, and the United States. These donors provide assistance across a number of sectors, making donor coordination essential.

## **2. Political Overview of Nepal**

### **2.1 Pre Democracy Phase – (1800's to 1940):**

There is historical evidence that, at one time, the boundary of Greater Nepal extended from Tista River on the East to Kangara, across Sutlej River, in the west. A dispute and subsequently war with Tibet over the control of mountain passes forced the Nepalese to retreat and pay heavy reparations. Rivalry between Nepal and the British East India Company over the annexation of minor states bordering Nepal eventually led to the Anglo-Nepalese War (1815–16). The valor displayed by the Nepalese during the war astounded their enemies and earned them their image of fierce and ruthless "Gurkhas". The war ended with a treaty, the Treaty of Sugauli. This treaty ceded Sikkim and lands in Terai to the Company.

Factionalism inside the royal family had led to a period of instability. In 1846 a plot was discovered, revealing that the reigning queen had planned to overthrow Jung Bahadur Rana, a fast-rising military leader. This led to the Kot Massacre; armed clashes between military personnel and administrators loyal to the queen led to the execution of several hundred princes and chieftains around the country. Jung Bahadur Rana emerged victorious and founded the Rana lineage. The king was made a titular figure, and the post of Prime Minister was made powerful and hereditary. The Ranas were staunchly pro-British, and assisted them during the Indian Sepoy Rebellion in 1857 (and later in both World Wars). The decision to help British East India Company was taken by the Rana Regime, then led by Jang Bahadur Rana. Some parts of Terai Region were given back to Nepal by the British as a friendly gesture, because of her military help to sustain British control in India during the Sepoy Rebellion. In 1923, the United Kingdom and Nepal formally signed an agreement of friendship, in which Nepal's independence was recognized by the UK.

### **2.2 Introduction to Democracy Phase (1940-1990)**

In the late 1940s, newly emerging pro-democracy movements and political parties in Nepal were critical of the Rana autocracy. Meanwhile, with the annexation of Tibet by the Chinese in 1950, India viewed the possibility of her big Northern neighbour's further military expansion in Nepal and took preemptive steps to address her security concerns: India sponsored both King Tribhuvan as Nepal's new ruler in 1951, and a new government, mostly comprising the Nepali Congress Party, thus terminating Rana hegemony in the kingdom.

General elections were held in 1959 and for the first time the people had an elected government. B. P. Koirala, became the first elected Prime Minister of Nepal. In less than two years, King Mahendra, successor of King Tribhuvan dissolved both the government and the Parliament, brought democracy to an end and introduced the party-less Panchayat rule. The Panchayat system, in which political parties were banned, continued for 30 years. During this period a number of armed and unarmed struggles against the system took place, which was crushed by the government. During King Birendra's regime students launched a major political movement in 1980 against the Panchayat system. To resolve the tension, the King announced a referendum; people were to choose between multi-party democracy and an improved version of the Panchayat system. In a controversial result, the multi party democracy was defeated. However it weakened the Panchayat system, paving way for the restoration of democracy after a decade.

### **2.3 Strengthening of Democracy Phase (1990- 2008)**

The historical Movement of the people in 1990 overthrew the Panchayat system and restored multi-party democracy. Within a year, a democratic constitution was introduced, which, for the first time, made the people sovereign. Less than six years after the restoration of multi-party system, the Communist Party of Nepal-Maoist started an armed insurgency in 1996 claiming that the people had not yet received justice. In the decade long armed conflict more than 13,000 Nepalese lost their lives. Thousands were displaced and hundreds disappeared. Terror, instability and infrastructure damage took its toll on the nation. In the meantime, the entire family of King Birendra was wiped out in the infamous Royal palace massacre.

The subsequent rise of King Gyanendra, pushed the country to further turmoil. The government failed to hold elections in time. On charges of incompetence Sher Bahadur Deuba's elected government was overthrown and the King formed his own government. The Maoists movement had in the meantime gathered momentum, hindering the holding of elections. The new government under Lokendra Bahadur Chand also failed to conduct elections. Surya Bahadur Thapa was appointed as the new Prime Minister. He held peace talks with the Maoists to prepare an environment for elections, but that too resulted in a failure. Deuba was reappointed as Prime Minister, but only remained in office for a short time, while the dialogues with the Maoists also not materialize. The escalation of violence and killings only added to the people's desperation and increased security problem.

On February 1<sup>st</sup> 2005, the King took over absolute state powers and assumed the role of the Chairman of the cabinet, a cabinet that he had himself nominated. This led the political parties to form an alliance with the Maoist rebels. A 12-point agreement was signed by the seven political parties and the Maoists in November 2005. The first objective of the agreement was to end the violent conflict and restore peace in the country. This **Seven Party Alliance** (SPA) agreement provided the Maoists an opportunity to suspend the armed movement and participate in a peaceful democratic movement. The peaceful movement turned into a people's movement II. Millions of people marched onto the streets demanding an end to the tyrannical monarchy and the writing of a new Constitution through a Constituent Assembly. The people finally forced the king to relinquish state control on April 24, 2006.

The success of the People's Movement left king Gyanendra powerless. The movement brought about a change in the nation's governance: an interim constitution was promulgated, with the King giving up power, and an interim House of Representatives was formed with Maoist members after the new government held peace talks with the Maoist rebels. The number of parliamentary seats was also increased to 330. In April, 2007, the Communist Party of Nepal (Maoist) decided to join the interim government of Nepal. On December 28, 2007, the interim parliament passed a bill that would make Nepal a federal republic, with the Prime Minister becoming head of state. The bill is yet to be passed by the Constituent Assembly. On April 10, 2008, the first elections in Nepal were held for the constitution assembly.

#### **2.4 The United Nations Mission in Nepal (UNMIN)**

**UNMIN** is a special political mission established by the United Nations Security Council, Resolution 1740, to support the peace process in Nepal: in particular, to assist in the conduct of the Constituent Assembly election in a free and fair atmosphere.

UNMIN was established in response to requests by the Seven-Party Alliance Government and the Communist Party of Nepal (Maoist), in their letters to the Secretary-General of 9 August 2006 in which they asked the UN to assist in creating a free and fair atmosphere for the election of the Constituent Assembly and the entire peace process. The parties went on to sign the Comprehensive Peace Agreement on 21 November 2006, and UNMIN officially began its work on 23 January 2007 with the adoption of Resolution 1740. Before UNMIN was established, from August 2006, the United Nations assisted the parties to the peace process through the Office of the Personal Representative of the Secretary-General. For a number of years the Secretary-General of the United Nations had been closely engaged, through the UN's Department of Political Affairs, in efforts to encourage a peaceful resolution of the conflict in Nepal.

To achieve its objective, and based on the requests of the parties to the CPA, UNMIN's mandate includes the following tasks:

1. Monitor the management of arms and armed personnel of the Nepal Army and the Maoist army
2. Assist the parties through a Joint Monitoring Coordinating Committee in implementing the agreement on the management of arms and armed personnel of both the Nepal Army and the Maoist army
3. Provide technical assistance to the Election Commission in the planning, preparation and conduct of the election of a Constituent Assembly in a free and fair atmosphere
4. Assist in the monitoring of ceasefire arrangements.

In addition, an independent team of election monitors appointed by the Secretary-General and reporting to him will review all technical aspects of the electoral process and the conduct of the election.

**UNMIN's Role in the Regions and Districts is as:**

**Arms monitors** maintain a 24-hour presence at each of the seven main cantonment sites of the Maoist army in Ilam, Sindhuli, Chitwan, Nawalparasi, Rolpa, Surkhet and Kailali, and at the Nepal Army's barracks in Chhauni. They monitor weapons stored at these sites in accordance with the Agreement on Monitoring of the Management of Arms and Armies. Arms monitors conduct regular visits to the 21 satellite cantonment sites of the Maoist army and to Nepal Army barracks. In addition, ten Joint Monitoring Teams, each comprising one UN arms monitor, one member of the Nepal Army and one member of the Maoist army, conduct regular liaison, monitoring and investigation work in the districts. During 2007, arms monitors completed the registration and verification of Maoist army personnel.

**Mine action experts** advise the Maoist army on the safe storage and destruction of improvised explosive devices, and provide advice and training to the Nepal Army in the clearance of anti-personnel minefields to International Mine Action standards.

**Electoral advisers** support the Election Commission at the regional and district level. Prior to the Constituent Assembly election small teams in all the districts will assist in the final preparations and conduct of the election. Police advisory teams will provide the Nepal Police with advice on the planning and execution of election security.

**Civil affairs officers** monitor and report on the re-establishment of local governance and public security, as part of monitoring the ceasefire arrangements. They also encourage local dialogue to promote peace-building at the district level.

UNMIN examines the conduct of parties and organizations to determine whether they are fulfilling their commitments according to the standards set by their agreements, the law and sometimes international norms. However, the UN does not have the power to enforce compliance. It can highlight the actions required to make sure that commitments are fulfilled, but then it is up to the Government and the parties involved to take the necessary action to ensure compliance with commitments. The Office of the High Commissioner for Human Rights was established in May 2005, with the aim of protecting human rights in the context of the armed conflict and threats to democratic rights. The parties to the CPA expressly requested OHCHR to take responsibility for monitoring the human rights situation during the peace process, and UNMIN works closely with OHCHR in this regard. The Security Council established UNMIN with a 12-month mandate, which expired in January 2008. In December 2007, after the second postponement of the Constituent Assembly election, the Government of Nepal wrote to the Security Council requesting a 6-month extension of UNMIN's mandate. The Security Council agreed to this request, and on 23 January 2008 unanimously adopted Resolution 1796, extending UNMIN's mandate to 22 July 2008.

### 3 Electoral Overview

#### 3.1 History of Election Commission of Nepal (ECN)

The first Election Commission was established in 1950 in Nepal. After the end of 104 years of the autocratic Rana regime in 1950, the Nepal Interim Governance Bill was introduced. It was Nepal's second constitution in writing, prepared by the erstwhile ministerial cabinet. (The populist document, Government of Nepal Act, 1994 promulgated by Rana Prime Minister Padhma Shamsher, may be called the first constitution of Nepal). It was the responsibility of the 1950 Interim Government to hold the parliamentary election at the earliest and in a conducive atmosphere. To fulfill the objective, the Election Commission was formed, vesting it with the rights to carry out certain responsibilities:

- Preparing the voters' list
- Control and supervision of the election related activities
- Conduction of Elections
- Settle Election related disputes
- Run Election Court

The Election Commission was headed by the Chief Election Commissioner and other office bearers, whose appointment and tenure were likely to be affected by the decision of the King or of the cabinet. The voters' list was directed to be free of any caste, religious or gender discrimination. One had to be at least 21 years of age to be eligible to vote.

1958 saw the establishment of multi-party democracy and constitutional monarchy in the country. With the changes in the political scenario, being approximately 2 years without constitution, a new constitution draft commission was formed in 1962. The constitution was amended in 1966 through a royal decree. For the first time, certain offices were brought under the constitution, while the Election Commission was declared an independent body. It was decided that Nepal would have a single election commission. Appointments could be determined according to the King's directive, which clearly vested the decisions of the commission, with the King.



Mr. Aazar Ayaz with Chief Election Commissioner Nepal

The political scenario in Nepal saw another change in 1989. In 1990, under a multi-party system, a cabinet headed by Prime Minister Krishna Prasad Bhattarai was formed. On November 19, 1990, King Birendra declared the Constitution of Nepal 2019. According to it, certain constitutional bodies were restructured, the Election Commission being among them. However, the Chief Election Commissioner would continue to be appointed by the King, upon recommendation of the Constitutional bodies.

According to the 16 point and 8 point understanding between the 7 parties and the Maoists, the interim constitution was drafted on August 25, 2006. Article 133 of section 15 of the Interim Constitution of Nepal 2063 is devoted to the Election Commission.

#### 3.2 Election Administration 2008

**Election Commission of Nepal (ECN):** The interim constitution, Article 133 of section 15, in line with SPA Agreement, outline the role and composition of ECN.

1. The Commission will have one Chief Election Commissioner and four other Election Commissioners
2. The Prime Minister will appoint the Commissioners on the basis of recommendations made by Constitutional Council/ Cabinet

3. Their tenure will be of 6 years from the date of appointment
4. Abiding by the Interim Constitution and other legal boundaries, the Election Commission will be responsible for conducting, supervising, directing and controlling Constituent Assembly Election and the Local bodies election.
5. The voters list for the Elections will be prepared by the election commission.
6. The Interim Constitution of Nepal 2063 (2006-07) recommends the Election commission as an independent body, responsible for holding free and fair elections.



Chief Election Commissioner Nepal  
with Observers

The Election Commission of Nepal is established as an independent body responsible for organizing all elections and referenda in Nepal. The Chief Election Commissioner and four Commissioners were appointed in the second half of 2006 by the Prime Minister for a six-year period, upon recommendation of the Constitutional Council. The Election Commission decisions are implemented by an administrative structure of approximately 240,000 election officials working in all five regions, 75 districts and 240 constituencies. Significant technical assistance was provided by the United Nations Mission in Nepal (UNMIN) on a nationwide basis. The salient features of ECN as per constitution are in Annex 1

The **Chief Election Commissioner** or an Election Commissioner must

- Be a Bachelor's degree holder from a University recognized by Nepal government
- Not be a member of any political party immediately before the appointment and
- Be of 45 years of age
- have a high morale

A person once appointed to the office of Chief Election Commissioner shall not be eligible for the appointment in other government service. However, nothing shall be a bar to appointment of an Election Commissioner as Chief Commissioner is so appointed as the Chief Commissioner; his terms of office shall be computed as to include his terms as Commissioners.

The district election offices have been established in all the 75 districts in Nepal, to work under the umbrella of the Election Commission. The district election office is based at the headquarter in every district. The Election Commission has established these offices with the view of simplifying its operation and maintaining transparency. Each of these offices is headed by a level three gazetted election officer and other employees to assist him/her, as required. The District Election Offices are fully answerable to the Election Commission. Preparing and sending the voters' list from one's respective districts, following directives of the Election Commission, apart from conducting its daily administrative activities are the main functions of the District Election Office. There are detailed rules and regulations related to elections, election commission and party registration, voters' registration, and election crimes.

### **3.3 Electoral System (As per interim constitution)**

The interim constitution delegates to the Constituent Assembly (CA) to draft a new Constitution for Nepal. The Constituent Assembly would be directly elected by the people of Nepal in order to be representative of Nepali society and ensure inclusiveness for all groups in Nepal. The Interim Constitution legislates the strength of the CA to be of 601 members. The election of the 575 of these members will be a mix of direct and Proportional Representation (PR); 335 members will be elected through Proportional Representation and 240 through First-Past-the-Post (FPTP), whereas 26 would be appointed by the Cabinet post elections on the basis of consensus, from amongst the prominent persons of national life.

For the purpose of election of the Constituent Assembly, every Nepali citizen who has attained the age of eighteen years by the end of Mangsir, 2063 (15th December 2006) shall be entitled to vote. The election of the members of the Constituent Assembly shall be held through secret ballots.

### 3.4 Electoral Facts & Figure for 2008:

Political Parties:	Total number of registered parties for the purpose of the CA election was 74 of which 55 parties participated in the election.
Total Number of Seats:	Total 601 240 in First Past the Post System (FPTP) and 335 under Proportional Representation (PR) system 26 to be nominated by the Cabinet
Total Number of Candidates:	9648 from 55 parties 3947 for FPTP & 5701 for PR
Total Number of Voters:	17,609,895 – Male 8,880,391 & Female 8,729,504
Total Number of Polling Booths:	20,889 at 9281 locations
Total Number of Polling Staff:	234,000 including 108,800 volunteers
Security Deployment:	40,000 Nepali Police 20,721 Armed Police Force Over 55,000 Temporary Security Personnel
Poll Observers:	63,000 domestic observers from 148 organizations 856 international observers from 28 international organizations
Estimated Expenditure	Nepal Rupees 2.73 billion

### 3.5 Women and Election

The Interim Constitution of 2007 binds political parties to the Principle of Inclusiveness while selecting the candidates both for PR and FPTP. The political parties are obligated by law to ensure proportional representation of women, Dalit, oppressed tribes/indigenous tribes, backwards, Madhesi and other groups. In case of **women** it further obligates political parties to nominate women at least one third of total candidature including both FPTP & PR.

Performance of Women in Previous Elections has been as follows:

1991    80 women contested the elections and 7 women were elected  
1994    86 women contested with 7 women got elected  
1999    43 women contested the elections and 143 made through the Constituent Assembly

In 2008, under FPTP system 326 women contested elections on behalf of political parties while there were 42 independent women contestants. Highest numbers of women contestants were from Communist Party of Nepal (Maoist) 42. Women contested in 173 constituencies and there were 51 Constituencies with upto 2 women candidates. 67 Constituencies, in 16 districts, had no women candidates.

Total number of candidates enlisted in the closed list of candidates is 6,000 with the following breakup:

Women	3068
Madhesis	1981
Dalits	680
Nationalities	2138
Backward Regions	183
Other Groups	1750

## **4. Pre- Election Phase Observation:**

### **4.1 Electoral Processes**

**Electoral System:** Two types of system have been adopted for CA elections which are:

1. First Past the Post (FPTP) system which follows the principle of one member per constituency. There can be many candidates but voter can only cast vote in favour of one. One who attains highest votes is declared winner.
2. Proportional Representation (PR) system under which voting takes place for political parties considering the entire nation as one constituency. It is called multi member single constituency system. The winner is determined on the basis of maximum number of voter attained by a political party. For this each political party must submit a closed list of their candidates to ECN.

Closed List is when a political party submit list of its candidates to ECN which must contain candidates comprising women, Dalit, oppressed, indigenous, backward regions and Madheshi representations. The closed list is not subject to change. A political party desirous of contesting PR elections must offer candidacy for at least 10% membership out of the total number of 335, which means that at least 34 candidates need to be proposed.

#### **Candidates:**

To contest for CA election a candidate must be:

- Nepali citizen
- 25 years of age
- Free of criminal charges
- Should not be in a profit making position (meaning any position by which s/he can earn salary or other monetary facilities out of government funds)

A candidate under FPTP will not be allowed to participate under PR system.

#### **Role of Election Commission of Nepal:**

Election Commission of Nepal (ECN) was responsible for holding of elections for the Constituent Assembly (CA). For this purpose ECN issued the Election rules and code of conduct for smooth implementation. 20,889 Polling Booths will be established to be manned by over 234,000 polling personnel including volunteers. Each Polling station will have a maximum of 1150 votes. Ballot boxes have been donated by the Govt. of Japan, voting screens by Govt. of China and Election material box by Govt. of India.

ECN received 230 complaints from three big parties about violation of the election code of conduct from three big parties, i.e. 98 by CPN-UML, 72 by NC and 59 by Maoist. Election campaigning was stopped at the midnight of 7<sup>th</sup> April 2008. There is a ban on movement of private/personal/public transport on Election Day except the authorized vehicles with a pass from ECN. Prohibition of liquor is also imposed for the Election Day.

### **4.2 Political Processes**

Nepalis have been aspiring for over five decades for an elected CA to frame a new constitution. The seven party alliance (SPA) and the Maoists (SPAM) agreed to hold election to Constituent Assembly (CA) on November 22, 2005, which led to 19-day people's movement which had participation of millions of Nepalis forcing the king to relinquish executive power of the state, restoring people's sovereignty and reinstating the dissolved House of Representatives on April 24, 2006. Two negotiation teams (NT) were formed with three members each, including a leader each from government and Maoist side respectively. The leaders of the NT signed a 25-point Code of Conduct (CC) for Ceasefire on May 26, 2006. A National

Monitoring Committee for Code of Conduct for Ceasefire (NMCC) was formed to monitor the truce till the Comprehensive Peace Accord was signed in November the same year. The history of the peace process in Nepal is short and interesting.

The interim constitution was enacted which is the basis for the CA election and future governance. It enacted laws required for running the country's administration. In the third stage, the interim government was formed which decided the date for CA election, making all sorts of arrangements necessary for conducting the election and running day-to-day administration.

Nepalese elections to CA were held on the basis of peace building. The electoral process is meant for all those political parties contesting election, and not only for those concerned with the peace process. The political parties have brought out their election manifestos, stating what they stand for, and if elected, what they will fight for in the Constituent Assembly. Nepalese hope that the candidates and the parties will not change course after getting their votes. Historically, reversals of policy after the election — neglect of the wishes of the electorate — have been the rule rather than the exceptions. This has compelled even those parties which were not pro change to make their manifestos as close as possible to the seven major parties

#### **4.3 Voters**

The total number of 17,609,408 voters is divided by region as following:

Region	Number of Voters	Number of Constituencies
Moutain	1,326,999	Constituencies 22
Hill	7,885,091	Constituencies 102
Tarai	8,880,146	Constituencies 116

The recent most voter mobilization was done in Jan-February 2007 with the help of 22,630 registration enumerators which resulted in increase of voters to be 17.6 million representing 15% increase from the last. The quality, accuracy and completeness of voter list remained a question which desires more to be done post election.

As per the culture in the South Asian region voters are not expected to read the manifestos of the political parties before making up their mind as to whom, and which party, to vote for. The large majority, hence, is not expected to cast their ballots based on a comparison of manifestos, but guided by their general impression of the political parties, or of the candidates. However, the candidates or parties that are elected are assumed as having been elected for the commitments they made in their manifestos. Voters would choose their representatives to act on their behalf and work for the agendas they approve, as reflected in the manifestos of the candidates or the parties they voted for.

In many cases, one or several other factors may come to play a decisive role in their choice. Voters' choice assumes a far greater importance for the elections to the Constituent Assembly as this election was different from the regular general election in its frequency as well as in purpose. The general trend of voters is to elect capable representatives to act on their behalf, as per their manifesto, for stronger constitution and State. The public mood favours fundamental change and state restructuring. To be real representatives of the people, the political parties should have to keep people aspirations primary, entrusted in them through their vote, while voting in the CA on basic issues.

#### **4.4 Women & Youth**

Last year, under the influence of a dominant Maoist faction, the interim Parliament's seven-party coalition framed an Interim Constitution that required parties' candidates to be 33% female. Of these, 50% have to be filed in the closed lists, which are selected by voting for parties rather than individuals. The rest are fielded for direct elections. Women form 51% of the Nepalese population. These are high ambitious numbers for a

society where educational gaps offer a glimpse at women's longstanding subordinate role. The male literacy rate is 63 percent, according to statistics from the Nepal Election Commission; for women it's 35 percent. Sharda Pokharel heads the Women Security Pressure Group, an umbrella group of women's organizations across Nepal, she suspected parties, simply to fulfill legal requirements, are fielding weak female candidates in direct elections for seats where opponents are sure to win.



Banner of a Women Candidate

None of the ruling parties have chosen 30% women contestants, the minimum reservation for the gender in all state organs pledged by the ruling parties. The Maoists have been the most upfront, fielding 24% women candidates. Maoist Deputy Chief Baburam Bhattarai admitted that though his party had wanted to nominate 50 percent women contestants, due to the scarcity of suitable candidates, they could not do so. The two other biggest parties have failed miserably to promote women leaders. The Prime Minister's Nepali Congress party, the biggest in parliament, named only 26 women for the election. The Communist Party of Nepal- Unified Marxist Leninist (UML) also chose 26 women candidates for the direct election.

#### 4.5 Media

Nepal has been the focus of State and international media. The rules and regulation as issued by ECN focus on role and responsibility of media. In order to enter into polling centres on Election Day, media representatives both Nepali and foreigners were asked to contact the Media Centre of the Election Commission or to the District Election Offices for the Nepali journalists who cannot travel to Katmandu, and sign the Code of Conduct for Media Representatives on Election Day. A copy will be kept in the archives of the Election Commission and another will be given to the media representative.

The copy of the signed Code of Conduct for Media Representatives on Election Day together with the Nepalese Press Card was to allow media representatives to enter into polling and counting centers. The media representative must show the accreditation to the polling officers and ask permission to stay in the polling station, and respect legitimate instructions in case e.g. the station is too crowded

ECN, with in its limited resources and expertise, has been active in pursuing complaints received with reference to violations of media rules. ECN asked for written clarification from the state run electronic and print media for violating election code of conduct in course of transmission and publication of news and views. Nepal Television, Radio Nepal and Gorkhapatra Sansthan were asked to submit responses. This was done by ECN in response to numerous complaints that pro CPN-Maoist news are being published and transmitted by them. ECN also directed withholding of a Radio programme on Radio Nepal till the voting is over. Pro Maoist daily Jana Vidroh was also reprimanded for breach of election code in favor of a particular party.

#### 4.6 Security & Violence

Incidences of political violence remained high with Maoist in lead of many such incidences. Leaders of Seven Party Alliance (SPA) had signed a 10 point non-aggression pact on 01.4.2008 yet the violence continued. This led to signing of another pact by 3 parties, NC, UML and Maoist under civil society initiatives which also met the same fate. Both the agreement stressed that the parties will not obstruct each others candidates or the voters and will conduct electioneering and counting of votes in peaceful manner. It also ensured an atmosphere that is conducive for people to cast their vote without fear. However report of political violence involving Maoist party kept pouring in from all parts of Nepal which included personal, physical, infrastructural and asset based violence.

UNMIN and US presence was heavily seen from physical presence to political party dialogue to press statements to monitoring. Head of United Nation's Mission in Nepal (UNMIN) Ian Martin and ex USA President Jimmy Carter helped global attention directed towards Nepalese Elections.

Domestic observers were also target of security violations as National Election Monitoring Alliance (NEMA) issued press release that Maoist cadres are issuing threats against NEMA. NEMA representatives were attacked in different districts. National Election Observation Committee (NEOC) representatives were also attacked in different incidences.

Eve of election witnessed a UML candidate being gunned down, two ex minister's cars torched, many people hurt in brawls and 5 Maoist killed in police firing. Bombs exploded and group fighting remained the norm of the day. 31 persons from cadres of Young Maoist League (YCL) and 4 National Congress (NC) were held with weapons. UML cadres and police also engaged in clashes injuring many.

## 5. Election Day Observation

### 5.1 Electoral Processes

The key observations are:

#### General Restrictions:

1. Ban on Public transport to be used except especially permitted sticker vehicles or diplomatic cars. Violating vehicle to be impounded for 3 months
2. Prohibition of liquor at all public places on Election Day. Violator to be imprisoned for 3 months.
3. All shops, eating places to remain close don election day
4. Election campaigning stopped 72 hours before elections
5. Some Polling Stations were made inside the temples

#### Polling Staff:

1. Polling staff were on deputation to ECN for a period of 5 days from different government offices
2. Polling staff were not given adequate training to handle electoral processes except an orientation session by ECN which to many left more to be desired
3. Polling staff was given no transport or housing, if coming from distant areas. Many polling staff stayed in open polling stations overnight.
4. Polling staff was assisted by **Polling Volunteers** associated by ECN for 3 days to help government staff in discharge of its polling duty. Their help was visible in setting up of polling station, wind up, discipline in voters, etc Polling staff was given TA/DA and food money but was to arrange it themselves which was difficult.
5. Female polling staff was negligible as only 2 female were Returning Officers out of 240.



Polling Staff Signing Ballot Papers in Advance



Polling Staff Entering Details of Voters for Electronic Voting

#### Polling Station:

1. Setting up of polling station was Presiding Officers responsibility which included collection, transport and submission of ballot boxes, voting screens and election material to & from District Election Offices. Negligible number of female presiding officers were also appointed
2. Polling stations were set up in open spaces in front of government buildings, open area and/or in streets. At most places it did not even had the tents to cover polling staff and voters in queue.
3. Some of the Polling stations were cramped and needed more space
4. In the cases of polling stations established in the open areas, the area was demarcated by erecting bamboo polls and ropes, while the demarcation between polling both was also done in the same manner. The minimum numbers of booths in a polling station were 2.
5. Each polling booth had 2 lines erected with the help of twine and bamboo sticks to separate the two, one for male and one for female.
6. Ballot boxes were in open and subject to security risk
7. Polling station were accessible on foot by maximum of 20 minutes in urban center but by 3-4 hour walk in rural centers
8. Privacy of voting was ensured by voting screens.
9. Ballot boxes were opaque in the shade of grey but with different color stickers ( blue for FPTP ballots and Pink for proportionate ballots. 4 Serial numbered seals were used to secure it
10. Ballot boxes were a gift from the Government of Japan, voting screen from Government of China, indelible ink from Government of Pakistan and Material box from the Government of India



Polling Station Outside Temples



Polling Station in Middle of a Street

11. In one constituency i.e. Katmandu -1, electronic balloting machines were used as on test bases, the same were the gift from Government of India
12. De-segregated data collection was done by ECN staff on the spot and was available to observers



Open to Sky Polling Station

#### Political Agents:

1. In Katmandu most of the political agents were male even for female candidates. The reason for the same was, one, that all polling stations were mixed and, two, non availability of literate and/or trained females
2. Political Agents mostly had no trainings
3. Political Agents were cooperative among themselves and with polling station staff.

#### Balloting Process:

1. Two kinds ballot papers were being used Blue for FPTP and Pink for PR. Both the ballot papers contained the symbols of the political parties and not the name of the candidates which is a common practice in the case of FPTP.
2. Balloting process was time consuming and complicated as each voter had to get first ballot for FPTP cast it, come back and get another ballot for PR and again go to cast it. It was observed to result in confusion and was cumbersome for invalids and old voters.
3. Voter ID was not being checked or demanded by either polling staff or polling agents upon enquiry it was stated that both polling staff and polling agent belong to the same community/area and know each other hence its not a issue and nobody is challenging the vote
4. The layout and seating arrangements, in most of the polling stations observed, was that the first contact of the voter was with the polling agents rather than the polling staff which was mandated to check the ID, verify and announce serial number of the voter from the electoral rolls. This vital task was being performed by the polling agents who were informing the polling staff
5. Election material was not adequately secured especially ballot paper and much was left to assumptions
6. Ballot paper were being signed by Presiding officer in bulk, in advance
7. Wet flannel cloth was on table to wipe your hand after thumb impression and voting mark on thumb
8. Ballot boxes were generally sealed after being inspected by the political agents
9. Inconsistency in process was found as some voters were signing the ballot while others were putting thumb impression
10. In Kaski area the ballot paper even had the symbol of those parties which were not even contesting in that specific constituency hence making understanding difficult for people especially women.
11. Polling generally started on time.
12. Political agents and Polling Volunteers were not aware of their formal roles
13. Security was presently but lax, in most of the cases the Temporary Security Personnel were found maintaining and controlling the voters
14. Voting information was not adequately displayed by ECN in polling station which confused women and elderly
15. Invalid, old and handicapped were generally facilitated for voting



Ballot Paper being Signed in Bulk



Ballot Box



Ballot Box being Sealed



Electronic Ballot Registering Machine

16. Electronic Voting machine was used in Katmandu 1 constituency
17. The counting of ballots process was to be at designated centers (selected by the Returning officers, who were authorized to announce time and date for the counting process) and all the ballot boxes were to be brought at that point, raising security and logistic issues
18. There were long queues at the polling stations and people were patient and orderly participated in the process without raising complaints for standing at an average of 1-2 hours in the line. It was also observed on an average more than 60% polling was completed by 2pm in the afternoon
19. Usage of mobile phones inside the polling station was ignored



Recording sheet of gender segregated vote casted



Electronic Ballot Paper

## 5.2 Political Processes

There were 74 political parties which were registered with ECN and contested election (ref. Annex-II). In term of alliances Seven Party Alliance was seen to be as major political force. Political campaigning was closed 72 hours before the elections. Visibly elections were seen as a medium to transition form period of conflict and political crisis to period of nation building. It was observed and participated by all to move from non inclusive structure of state, primarily due to the failure of political parties, to an institutionalized vibrant democratic culture. All stakeholders tried to create political space for all political actors to take part in decision making process.

The major political actors were swift in the conclusion of polling and accepting its outcome as 1<sup>st</sup> result was announce with in 24 hours. It would take almost 3 weeks to complete the counting process and have final results which will test the patience of contesting political parties.

Women have been given extensive protection through reservation of seats in the interim constitution. Women are expected to fill in 24% of the seats in the Constituent Assembly. Women remained subject to traditional socio-political pressures and constraints as women were pitched against strong male candidates and at other places were affected by limited access to financial resources. Large numbers of women were, however, part of national and international observation teams.

## 5.3 Voters



Voters lined up at 0645



Men voters lined to cast votes

The voting time was from 0700 to 1700 without any break in 239 constituencies. Voters' response if recorded in one word, would be jubilant. Dressed in their best clothes, in Katmandu, voters were energetic and hopeful that this historic election will mark a new era for their country. Turn out was impressive for young to old and male to female alike. Voters were queuing at 0630 in their respective lines, for male and female, and patiently waiting for their turn. Average waiting time in the morning half, i.e. 0700-1300, was

between 1 to 1 1/2 hour, yet the organized spirit to wait for their turn and cast the ballot was amazing which has its roots in national characteristics of Nepal of being patient. Voters were full of energy and enthusiasm to be part of the elections being held after almost 9 years (after 1999), hence they walked distances to use their voting right. There were two type of ballots being issued i.e. Pink ballot for political party based PR voting and Blue ballot for FPTP candidate based voting. The voter was to get blue ballot first, cast the vote and

return to get the pink ballot and cast it.

Electronic Voting Machine (EVM) were used in Katmandu 1 which made the process easier along with wait time for voters but it kept polling staff and voters equally confused at places, especially for senior



Polling Agents Registering at Polling Station

citizens and illiterates. Few voters also came out without pressing the button in desired way which resulted in non casting of their vote. Majority of people turned out to vote early in the morning to avoid any security incident later in the day, which leads to almost 60-70% voting complete by afternoon. Voters' line was dwindling to non existent post 1500. However people generally kept the periphery of polling station crowded to which they replied that its special occasion and we do not want to miss what's going on. It had equal number of men and women around polling station from start till end especially in urban centers.



Voters & Onlookers

In terms of interesting incidents not a single voter, out of registered 1763, turned out for voting in Rashtria Primary School building in ward No.4 of Trikol VDC, Saptari because of threats issued by Janatankrik Taria Mukti Morcha. Whereas in Panchtar district a 55 year old who was born without hands and feet rolled the way for 4 hours to reach polling center. Polling was cancelled in 33 out of 20,889 stations. A temporary polling station erected in a

jail had its polling completed in one hour in Tanahun District Prison in Damauli having 29 prisoners.

#### 5.4 Women & Youth



Old Women Casting her Vote at 0715

Women voter's mood if recorded in one word is festive. There was an air of festivity. It was lovely to see women dressed 90% in red – the color for festivity and/or holy occasions. Women and youth were out in queue since morning and patiently waiting. Women mostly illiterate but political aware which had conceptual clarity as to what would this election mean to them and country. Women appreciated the role of and participation of women in politics but for this election to them gender of a candidate remained a low priority as their focus was to have a political party which can translate their aspirations in

to reality. The PR system is on closed list basis where voter indicate the preference for a political party. This kept women more confused than men.



Women Waiting to Vote at a Rural Polling Station

Women also came out early to vote to avoid law n order situation and more so that they all needed to be back to complete their house hold chores. Appreciating women in politics in Nepal for their confidence and courage, they were of opinion that they are no different then men in political rhetoric. As per their observation these women has not done any thing to facilities the women's issue. Whereas some were of the opinion that the leading women politicians are from political household and are not first hand informed of women problems on ground. Hence for CA election being a women as candidate was not the decision making factor to vote or otherwise. Women turn out was higher in most

of the polling stations. Women's commitment to vote can be gauged from the incidence in Daud VDC of Doti, a women delivered her baby in queue waiting for her turn to vote after walking for one and half hour to reach polling station.



Women Waiting to Cast Vote under Open Sky

The level of participation of women and traditionally marginalized groups in higher levels of the election administration was also low. There were only two female Returning Officers from a total of 240. Participation of women in polling station committees was also very low. Despite this women took an active role in observing the elections and there were a significant number of female domestic observers



Youth outside a polling station in outskirts of Katmandu

**Youth** were also excited as for many it was their first election and even after casting their vote they were hanging around to observe the process and keep a watch if any one tried to disrupt the process. Voting age was 18. Around 1.5 million Nepali youth was reported to be out of the country for employment since the last elections, hence could not vote. Youth termed it once in a life time opportunity for them

### 5.5 Media & Monitoring

The role of media was pronounced in Katmandu both for national and international media but the same was not observed and/or reported in the rural areas. Presence of media was equivalent to another monitoring team but could not pose itself as a vital factor. In Sunsari where polling station was attacked, even after being reported media reached late. Media could not come out as a response to perceived fear and threat among the voter as to something will happen that their presence will affect things otherwise. Media could have been more actively utilized and /or played its role in monitoring. Media was largely free to report however some incidence of accusation from political parties to be biased for state media were reported.

### 5.6 Security & Violence



A Security Guard Resting Inside a Polling Station

The polling station security was lax and regular police was supported by the temporary security persons who were hired for a period of 3 month (getting a remuneration of Nepali Rs.10,000 for 3 months). In urban centers they remained as a show piece because people were largely organized and peaceful, however in rural areas their strength and presence at places were felt to be inadequate.

The trouble spots where polling was suspended were Dailekh, Baglung, Arghakhanchi, Nawalparasi, Chitwan, Nuwakot, Sarlahi, Mahottari, Siraha, Saptari and Sunsari. These elections were held amidst threats from six dozen armed groups operating in Tarai. They vowed to disrupt polling and attack voters. The Election Day violence was relatively less as the disrupted polling stations were only 0.15%.



Provisional Security Guard at a Polling Station

Despite scores of pre-election violence the Election Day largely remained peaceful. Comparing the past elections in 1991 re-polling was held at 51 booth and voter turn out 65%. In 1994; 6 people died, re-polling held at 101 booths with voter turn out 62%. In 1999; 1 person died, re-polling held at 86 booth with voter turn out 65%.

In 2008 it costed life of 4 persons, re-polling at 33 stations and estimated Election day voter turn out to be 60% with expectation to increase. The level of peace was an indicator for international community as Nepali people and governments resolve to maintain security and hold peaceful elections.

## **6. Results**

The Nepalese stunned the world by having a relatively peaceful elections and a landslide victory for the Communist Party of Nepal – Maoist. In a complex electoral process for 601 seats, Maoists have bagged 220 seats. Last time, it was the Communist Party of Nepal (UML) that surprised the world when it emerged as the largest party in 1994 elections. For the first time in Asia, communists were voted to power at the national level. The Maoists landslide has surprised even themselves. The communists here had always been at the forefront of democratic struggle. Formed in 1949, the Communist Party of Nepal (CPN) went through all the twists and turns of international communist movement. Despite some democratic reforms paving the way for multiparty elections in 1990, Nepal until now was a classic example of a feudal state ruled by a powerful monarch supported by the upper-caste Hindu elite. The masses have been looking to the communists to rid them of exploitation by the monarchy. Hence UML was voted by the electorate to power in 1994. But the communist government not only failed to deliver the land reforms it had promised, it also disillusioned its cadres.

Meantime, the Maoists' growth in tiny Nepal was making the world nervous. Nepal, serving as a buffer zone between India and China, has been strategically very important. Landlocked Nepal has been in the sphere of Indian influence and is also desperately in need of Indian support and cooperation. Traditionally, India and Britain supported the Nepalese monarchy, but, of late, the US has increasingly been extending its support too.

Following are the party wise results:

Election Commission CA Election 2064 PARTY WISE RESULT STATUS							
PARTY WISE RESULT STATUS		Candidate		Total	Elected		
S.no	Party Name	Female	Male		Female	Male	Total
1	Communist Party of Nepal (Maoists)	42	198	240	23	97	120
2	Nepali Congress	26	214	240	2	35	37
3	Communist Party of Nepal (U.M.L.)	27	212	239	1	32	33
4	Madhesi People's Rights Forum, Nepal	3	100	103	2	28	30
5	Tarai Madhes Loktantrik Party	4	90	94	1	8	9
6	Sadhvawana Party	4	83	87	0	4	4
7	Janamorcha Nepal	28	175	203	0	2	2
8	Nepal Workers and Peasants Party	27	71	98	0	2	2
9	Independent	42	774	816	0	2	2
10	Rastriya Janamorcha	15	107	122	0	1	1
11	Rastriya Janshakti Party	14	184	198	0	0	0
12	Rastriya Prajatantra Party	22	210	232	0	0	0
13	Samajwadi Prajatantrik. Janata Party, Nepal	7	43	50	0	0	0
14	Nepal Rastriya Bikas Party	0	13	13	0	0	0
15	Socialist Party of Nepal	0	5	5	0	0	0
16	Rastriya Janamukti Party	8	76	84	0	0	0
17	Rastriya Prajatantra Party Nepal	8	196	204	0	0	0
18	Communist Party of Nepal (Unified)	10	126	136	0	0	0
19	Communist Party of Nepal (M.L.)	11	105	116	0	0	0
20	Rastriya Janata Dal	0	8	8	0	0	0

21	Communist Party of Nepal (United)	6	49	55	0	0	0
22	Nepal Samata Party	2	12	14	0	0	0
23	Dalit Janajati Party	1	49	50	0	0	0
24	Nepal Sadhvawana Party (Anandidevi)	13	91	104	0	0	0
25	Communist Party of Nepal (United Marxist)	5	43	48	0	0	0
26	Communist Party of Nepal (Marxist)	1	7	8	0	0	0
27	Hindu Democratic Party	0	4	4	0	0	0
28	Nav Janawadi Morcha	1	14	15	0	0	0
29	Nepal Rastriya Janakalyan Party	0	3	3	0	0	0
30	Rastriya Bikas Party	0	21	21	0	0	0
31	Muskan Sena Nepal Party	2	32	34	0	0	0
32	League Nepal Shanti Ekata Party	0	10	10	0	0	0
33	Nepal Janavawana Party	0	2	2	0	0	0
34	Nepal Shanti Kshetra Parishad	1	2	3	0	0	0
35	Rastrawadi Yuwa Morcha	1	4	5	0	0	0
36	Liberal Samajwadi Party	0	3	3	0	0	0
37	Nepali Janata Dal	10	30	40	0	0	0
38	Nepal Rastriya Lokatantrik Dal	1	1	2	0	0	0
39	Rastrawadi Ekata Party	2	0	2	0	0	0
40	Janamukti Party, Nepal	0	3	3	0	0	0
41	Sa-Shakti Nepal	6	0	6	0	0	0
42	Rastriya Janata Dal Nepal	0	17	17	0	0	0
43	Shanti Party Nepal	4	8	12	0	0	0
44	Nepal Janata Party	2	23	25	0	0	0
45	Lok Kalyankari	2	32	34	0	0	0

	Janata Party Nepal						
46	Mongol National Organization	0	17	17	0	0	0
47	Nepal Samyawadi Dal	0	1	1	0	0	0
48	Federal Democratic National Forum	2	43	45	0	0	0
49	Nepa: Rastriya Party	1	5	6	0	0	0
50	Nepal Lokatantrik Samajbadi Dal	0	11	11	0	0	0
51	Nepal Sukumbasi Party (Loktantrik)	3	8	11	0	0	0
52	Nepal Dalit Shramik Morcha	0	1	1	0	0	0
53	Chure Bhawar Rastriya Ekata Party Nepal	1	21	22	0	0	0
54	Tamsaling Nepal Rastriya Dal	3	19	22	0	0	0
55	Nawanepal Prajatantrik Dal	0	2	2	0	0	0
	Total	368	3578	3946	29	211	240

Following are the party wise details of women contestants and winners:

<b>Party</b>	<b>Women Candidates</b>	<b>Elected</b>
Communist Party of Nepal (Maoist)	42	23
Nepali Congress	26	2
Communist Party of Nepal (UML)	27	1
Madhesi People's Rights Forum, Nepal	3	2
Tarai Madhes Loktantrik Party	4	1
Sadhvawana Party	4	0
Janamorcha Nepal	28	0
Nepal Workers and Peasants Party	27	0
<b>Independent</b>	<b>42</b>	<b>0</b>
Rastriya Janamorcha	15	
Rastriya Janshakti Party	14	0
Rastriya Prajatantra Party	22	0
Samajwadi Prajatantrik. Janata Party, Nepal	7	0
Rastriya Janamukti Party	8	0
Rastriya Prajatantra Party Nepal	8	0
Communist Party of Nepal (Unified)	10	0
Communist Party of Nepal (M.L.)	11	0
Communist Party of Nepal (United)	6	0
Nepal Samata Party	2	0
Dalit Janajati Party	1	0
Nepal Sadhvawana Party (Anandidevi)	13	0
Communist Party of Nepal (United Marxist)	5	0
Communist Party of Nepal (Marxist)	1	0
Nav Janawadi Morcha	1	0
Muskan Sena Nepal Party	2	0
Nepal Shanti Kshetra Parishad	1	0
Rastrawadi Yuwa Morcha	1	0
Nepali Janata Dal	10	0
Nepal Rastriya Lokatantrik Dal	1	0
Rastrawadi Ekata Party	2	0
Sa-Shakti Nepal	6	0
Shanti Party Nepal	4	0
Nepal Janata Party	2	0
Lok Kalyankari Janata Party Nepal	2	0
Federal Democratic National Forum	2	0
Nepa: Rastriya Party	1	0
Nepal Sukumbasi Party (Loktantrik)	3	0
Chure Bhawar Rastriya Ekata Party Nepal	1	0
Tamsaling Nepal Rastriya Dal	3	0
<b>Total</b>	<b>368</b>	<b>29</b>

## 7. Post Election Comment on Election Observation

Nepal surprised the world by having relatively peaceful election. Nepal has covered lot of ground to have this Constituent Assembly election. Its struggle starts from a tyrannical monarchy establishing Nepal to be the Hindu state in the world to its untold brutality towards its own subject by claiming themselves to be reincarnation of lord Vishnu the Hindu God of sustenance. Monarchy continues to carry a fairy tale element of sorrow and twists as in 2001 the drunk, drugged and suicidal crown prince killed 8 of his family including reigning king to create space for King Gayendra to take over the throne. King Gayendra's ambition and lack of popularity led to Civil war till in 2006 SPA had a peace deal and King was stripped of his powers including his role of head of state and Army.

Maoist has emerged as single largest majority party. Maoists who were once compared with shinning Path guerrillas of Peru has dropped Marx and Mao for their call for nationalization and foreign investments in the economy. Beside they are also favoring land reforms and social efforts to eradicate poverty. Two ethnic Madhesi parties which organized strike and called for autonomy of Tarai region could not win in considerable size. Results as it started pouring in reflected a trend for political change and surprised Nepali congress party the most. The election saw voters dumping traditional parties and voting for Maoist party against this agenda. The Maoist being single leading party will need to use lot of political tactics and behavioral change to attract other parties to form a coalition government. This would means for them to show flexibility from their earlier stance of wanting to be both head of State and Government. Whereas, the Nepali Congress and Communist party of Nepal (UML) want to strike balance of power. All the parties will need to show political prudence to form a consensus government to protect the hard won peace deal that brought Maoist back to the electoral table.

Maoist party remains to be on the USA's list of terrorist group. International eyes were fixed on Nepali election with the presence of ex USA president Jimmy Carter himself there. There were 60,000 domestic monitors from 148 organizations and a total of 28 international observation missions with 856 observers as registered with ECN. Presence of UNMIN and UNOCHA was seen and felt by Nepalese people to be super imposing.

It was generally observed the cultural practices and understanding was given more than the due weighting and many things were being done on this understanding "that it just happens that way in Nepal". This was observed in the practice of establishing a polling stations were open spaces were used to create transparency and community watch but on the other hand it did not had any arrangements for heat and rain or any other untoward incidence. Its layout was also twine and bamboo stick based which could not have with held any communal indiscipline.

Ballot boxes were not adequately protected. Checking of voter ID was not followed for the reason that every body knows every body and political agents also do not mind it. This could work in urban center but in rural areas where people walked 4 hours it would be impossible and violate the credibility of the event. Sensitive or trouble spots were identified but not the polling booth/stations.

On an over all basis the election arrangement and implementation required institutionalization of processes and structures and above all training to staff. Low level of training could be seen from non checking of voter ID to signing of ballot paper in bulk. To staff On the other hand voter education was found largely to be missing which is another critical factor especially in countries having high number of illiterate, unemployed and women. The same was observed for voter mobilization as well. Ban on transport also hindered many to vote in rural areas especially for women, invalid and senior citizen who were unable to take 3-4 hour walk one way, in difficult terrain, to cast their vote.

Role of volunteer in security and assisting polling staff officially and informally is much appreciated but no clear demarcation of their roles and responsibilities was done as volunteers were found to be issuing ballot papers to organizing voter's lines.

Role of ECN needs to be appreciated as they acted as an independent body and tried to be effective, facilitative, flexible and transparent with in their given means. Largely all stakeholders were satisfied with them.

## **8. Recommendations**

Broadly following will be the recommendations

1. All parties must contribute through political prudence and be flexible to form consensus government to give democracy and will of people affair chance
2. Undertake electoral reform process especially focusing on:
  - 2.1. Simplifying the electoral system & balloting process
  - 2.2. Rationalization of the procedural requirements for the conduct of election especially election day
  - 2.3. Counting process to be simplified by polling stations count and announcement and then tabulation at designated place to save time and promote transparency
  - 2.4. Training of Polling staff
  - 2.5. Liaising with political parties and civil society
  - 2.6. Mainstreaming women in higher electoral processes
3. Institutionalization & standardization of :
  - 3.1. Volunteer corp. both as polling staff and for security
  - 3.2. Security arrangements on and around polling stations
  - 3.3. Election related complaint system and its redressal
  - 3.4. Establishment of polling stations
4. Enhancement of voter credibility by:
  - 4.1. Fresh updating of voter rolls
  - 4.2. Focusing on Voter education especially for women
  - 4.3. Voter friendly election procedures
  - 4.4. ECN, civil society and political parties should undertake voter mobilization campaigns
5. Political capacity building of the elected women
6. Options for voter mobilization should be defined if transport ban is to continue
7. ECN should make all the relevant information available in English for international observers

## **Election Administration**

### **Salient Features of Election Commission Act, 2063**

- Commission may form groups comprising the office bearers or employees of the commission, Government employees or experts to monitor or to have monitored polling, counting of ballot or other activities related to election.
- Commission may issue permission to native or foreign persons and organizations to observe activities like voting, counting of ballot or other activities related to election, on the basis of experience and credibility. The observers will be expected to abide by the Observation Policy and the code of conduct and to submit a report upon completion of the task.
- Commission may seek assistance from experts for its activities. Additional facilities may be provided to the employees involved in election related activities, including the insurance of employees and security personnel for the period of elections.
- If the Commission is convinced that certain activities regarding election have not been free and fair, it may annul the ballots at a particular polling centre or at all the polling centers, depending on the situation.
- Commission will be in a position to make decisions about cases where the candidate is deemed disqualified according to Article 65 of the commission, even though the candidacy has been filed for election to the constituent assembly.
- The parties seeking legitimacy for elections must file their applications with the Election Commission within the stipulated time as mentioned by the Commission.
- Once this Act comes into force, a political party that has been registered once, will not have to register itself again as long as the registration is valid.
- More than one political party will not be registered under the same name.
- Commission will be responsible for settling of disputes regarding legitimacy of political parties registered at the Election commission.
- In order to maintain fairness, impartiality, transparency and fearless environment, in any election, the Election Commission may draft a code of conduct to be abided by the government, office and employees of the government and semi governmental bodies, professionals involved in election, political parties, candidates and persons related to them and to the mass media at the governmental and private sector. Concerned stakeholders will be consulted during the preparation of the Code of Conduct.
- If one does not abide by or has violated the code of conduct, the Commission shall order the concerned political party, candidates and persons, organization, official or body a fine not exceeding one hundred thousand rupees, according to the Act. In the case of a civil employee, departmental action shall be taken as per the Act and Rules applicable to the concerned employee.
- The employees serving in governmental office, local body or body or organization owned or controlled by the government of Nepal, the person stationed at police or military barrack or cantonment or prisoners or detainees shall have the right to cast vote for PR Electoral System.
- If a person who possesses the qualification to become a voter pursuant to the Electoral Rolls Act and has obtained a citizenship after publication of the final Electoral Rolls Pursuant to this act is not registered in the Electoral Rolls, s/he may file an application to the chief Name Registration Officer within the time frame fixed by the Commission, for the inclusion of his or her name in the Electoral Rolls.

- Commission may impose a fine of up to a hundred thousand rupees on political parties, candidates, persons, organizations, office bearers or bodies if they breach the Code of conduct.
- Commission may annul the candidacy of a candidate if it believes the breach of code of conduct by the candidate would hinder free, clean and fair election.
- Commission may restrict the amount to be spent by the parties or the candidates for election campaign. A fine may be imposed if the limitation is exceeded.
- The parties and candidates have to present the details of the election campaign spending within 35 days from the announcement of the election results.
- Commission may run or cause to be operated Voters awareness program as and when necessary, in order to provide voters with information about the collection and updating of Electoral Rolls, method of polling in an election and the right of voters.
- Departmental action may be sought on the employee or security personnel who exhibits ill-intention regarding the election activities.
- Commission must make public an annual report of its works.

**List of Political Parties**

S.No	Name of the Political Parties	Election Symbols
1	Communist Party of Nepal (Unified-Marxist-Leninist)	Sun
2	Nepali Congress	Tree
3	Rastriya Janasshakti Party	Umbrella
4	Rastriya Prajatantra Party	Plough
5	Janamorcha Nepal	Pentagonal Star
6	Nepal Communist Party ( Maoist)	Hammer and Sickle inside a circle
7	Nepal Majdoor Kisan Party(Nepal Workers and Peasants Party)	Madal (Drum)
8	Samajbadi Prajatantrik Party Nepal ( Socialist Democratic Party Nepal)	Half Moon
9	Rastriya Janmorcha	Glass
10	Nepal Rastriya Bikas Party	Radio
11	Samajbadi Party Nepal	Bicycle
12	Rastriy Janamukti Party	House
13	Rastriya Prajatantra Party Nepal	Cow
14	Nepal Communist Party Ekikrit (Integrated)	Oil-fed lamp
15	Nepal Communist Party (Marxist-Leninist)	Sickle and Star
16	Rastriya Janata Dal	Ball
17	Nepal Communist Party Samyukta (United)	Sickle
18	Nepal Samata Party	Fish
19	Dalit Jajati Party	Water Jug
20	Nepal Shadvawana Party ( Ananda Devi)	Palm
21	Hariyali Nepal Party	Mango
22	Nepal Communist Party Samyukta Marxbadi (United Marxist)	Trident
23	Shivasena Nepal	Damaru
24	Madeshi Jana Adhikar Forum Nepal	Light in hand
25	Nepal Cooperative Party	Pen and Copy
26	Nepal Communist Party (Marxist)	Spade
27	Hindu Prajatantrik Party	Lady
28	Nawa Janabadi Morcha	Baby
29	Nepal Rastriya Janakalyan Party	Two Eyes
30	Rastrabadi Milan Kendra Nepal Dal	Rose
31	Rastriya Bikas Party	Elephant
32	Nepal Communist Party (Marxist -Leninist-Maoist Center)	Ear of Corn
33	Muskan Sena Nepal Party	Man

34	Lig Nepal Shanti Ekata Party	Horse
35	Nepali Janatantra Party	Axe
36	Rastriya Jana Ekata Party	Bulb
37	Nepal Jansangh Party	Peacock
38	Prajatantrik Shakti Party	Watch
39	Nepal Janabhavana Party	Oil-fed Lamp Stand
40	Rastriya Jan Prajatantrik Party	Rhino
41	Nepal Shanti Chhetra Parishad	A pair of hands
42	Rastrabadi Yuba Morcha	Spectacle
43	Nepali Rastriya Janabhawana Party	Tea Kettle
44	Liberal Samajbadi Party (Liberal Democratic Party)	Tiger
45	Prajatantrik Shanti Party	Cob of Rice
46	Nepali Janatadal	Wheel
47	Nepal Rastriya Loktantrik Dal	Cap
48	Rastrabadi Ekata Party	Pigeon
49	Nepali Congress (Rastrabadi)	Faucet
50	Prajatantrik Janamukti Party	Comb
51	Janamukti Party Nepal	Ladder
52	Loktantrik janata Party Nepal	Airplane
53	Nepal Jagriti Dal	A child in the lap of mother
54	Shasakti Nepal	Weighing machine
55	Rastriya Janata Dal Nepal	Lantern
56	Nepal Prajatantrik Yuba Party	Cross- Khukuri
57	Shanti Party Nepal	Hexagon(Shadkon)
58	Nepal Janata Party	Lotus flower
59	Nepal Bahudal Party	Temple
60	Lok Kalaynkari Janata Party Nepal	Bow and Arrow
61	Shadbhavana Party	Arrow
62	Terai-Madesh Loktantrik Party	A pair of Bulls
63	Mangol National Organization	Rooster
64	Nepal Samyabadi Dal	Jug (Karuwa)
65	Nepal Pariwar Dal	Key
66	Sanghiya Loktantrik Rastriay Manch	Khukuri inside a sheave
67	Nepa: Rastriya Party	Scimitar
68	Madhesi - Janadhikar Forum Madesh	Weaving Machine
69	Nepal-Loktantrik Samajbadi Dal	Pen
70	Nepal Sukumbashi party (Loktantrik)	Bamboo Basket
71	Nepal Dalit Shramik Morcha	Kite
72	Churebhavar Rastriya Ekata Party Nepal	Boomerang Ring
73	Tamsaling Nepal Rastriya Dal	Trumpet
74	Nawa Nepal Prajatantrik Dal	Bell

Picture Gallery



Mr. Aazar Ayaz meeting Prime Minister at a Reception & Briefing for International Observers



Ms. Fauzia Yazdani being Introduced to the Prime Minister Nepal



Mr. Jimmy Carter meeting Mr. Aazar Ayaz



Mr. Jimmy Carter with TR's Observation team



**Indelible Ink being applied**



**Polling Staff of a Proposed Polling Station with Mr. Ayaz a day before the Elections**



**Ballot Paper being Issued**



**Voters Names being Checked in the Electoral Rolls**



**Polling Staff waiting for voters in the afternoon**



**Polling Agents Seated at a Polling Station**



Electronic Voting Machines Packing shows that it is supplied by India



Observers talking to a candidate from Katmandu 1 Constituency



Observers taking information from Polling Staff



Information Poster for Electronic Ballot Papers



People walking to the Polling Station

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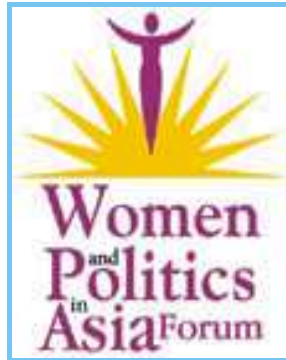
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