NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

NDI ELECTIONS WATCH

Issue 1, August 2007 — Nepal's 2007 Constituent Assembly Elections

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Official Name: NEPAL
Population: 29 million (est.)
Area: 147,181 sq km
Official Languages: Nepali and more than 12 others
Literacy: 49%
Religion: 81% Hinduism, 11% Buddhism, 4% Islam and 4% others
Avg. per Capita Income: $322/year

Electoral System:

- 497 member Constituent Assembly elected using a mixed system—proportional and first-past-the-post—formed to draft a new constitution.
- Qualification of candidates: Nepali citizen, at least 25 years old, not convicted of a criminal offense, and does not hold an office of profit.
- It is anticipated that there will be approximately 9,740 polling stations and 18,000 voting booths across 75 districts.

In April 2006, King Gyanendra's rule ended after hundreds of thousands of Nepali citizens protested for the return to parliamentary democracy. The reinstated government declared a ceasefire with the Communist Party of Nepal—Maoists (CPN-M or Maoists) and engaged in a series of reforms that, among others, relegated the monarchy to a ceremonial role, declared Nepal to be a secular state, placed the armed forces under the control of parliament, and released Maoist prisoners from jail. Since then, the government and the CPN-M have negotiated: the Comprehensive Peace Agreement, formally ending the civil war; an interim constitution, providing the framework to govern Nepal until a new constitution is enacted; and a United Nations (UN)-sponsored arms management process, intended to canton Nepal Army and Maoist forces and arms throughout the Constituent Assembly election process. In early 2007, the Maoists joined the Seven Party Alliance (SPA) in the ruling coalition, forming an interim parliament and a cabinet under the leadership of Prime Minister Girija Prasad Koirala, which will be responsible for governing the country until a Constituent Assembly is formed to draft a new constitution. The interim government has set November 22, 2007 as the date for Constituent Assembly elections.

ELECTORAL UPDATE

Second Amendment to the Interim Constitution

The second amendment to the Interim Constitution was passed on June 13, 2007, committing the eight parties in the interim government to hold Constituent Assembly elections by the end of *Mangsir* (mid-December), 2007. The amendment allows the parliament to remove the Prime Minister through a vote of no confidence and declare Nepal a republic with the support of two thirds of the members of parliament (MPs). Furthermore, political parties not represented in parliament are now able to sit as a formal opposition.

The amendment to the constitution also enables the parliament to revisit recommendations forwarded by the Election Constituency Delimitation Commission (ECDC) in a recent report. In the report the ECDC recommended the creation of additional constituencies in the historically underrepresented southern *Terai* (plains) region and other areas that have experienced recent population growth. The report failed to silence complaints from the *Madhesi* ethnic community, indigenous to the southern plains, who claimed the report continued to be biased in favor of *Pahadi*, or hill people, who have emigrated to the *Terai* in recent years.

Voters' List

The Election Commission (EC) finished compiling the voters' list, registering a total of 17.6 million voters, an increase from 13.5 million in the last national elections in 1999. It is anticipated that there will be approximately 9,740 polling stations and 18,000 voting booths across 75 districts (Election Commission Donor Meeting Report, 4 June; UNMIN). As of July 31, 58 new political parties have applied for registration. The submission of signatures of at least 10,000 supporters for each po-

litical party was required by the EC. The signatures are currently being verified.

Constituent Assembly Members Elections Bill

A day after the second constitutional amendment was passed, the parliament unexpectedly, and without public debate, approved the Constituent Assembly Members Election bill. The legislation stipulates a mixed system, with both proportional and first-past-the-post (FPTP) components. A total of 497 legislators will make up the Constituent Assembly, with 240 members elected based on a proportional system and 240 through the constituency-based FPTP system. The Council of Ministers will appoint the remaining 17 MPs. Parties must present their candidates' list to the EC before the election, after which names cannot be added or removed.

Every party contesting the proportional seats must contest at least 10 percent of all seats. Each party's list must meet a series of exacting quotas, including: 50 percent of all seats are reserved for women; 31.2 percent for *Madhesis* (the dominant ethnic group in the southern *Terai* or plains); 13 percent for *Dalits*, 37.8 percent for "oppressed castes and indigenous ethnic groups;" four percent for the "backward region[s]," the districts of Achham, Kalikot, Jajarkot, Jumla, Dolpa, Bajhang, Bajura, Mugu and Humla; and 30.2 percent for unspecified "others." The new electoral system guarantees that at least one-quarter of the total number of candidates elected through both electoral systems (proportional and FPTP) will be women because the elections bill requires that half of those elected through the party list system must be women. The current system also allows candidates to run for two constituencies under the FPTP system, but candidates standing for FPTP seats cannot be included on party lists for proportional seats.

Although the bill requires each party list to incorporate candidates from several of Nepal's ethnic groups, there remains the potential for manipulation by party leaders. For instance, in a clause some analysts believe could be abused by party leaders to reward their favorites, the political parties have the right to select their winning proportional list candidates after election results are released. It is not clear whether parties, required to meet the demanding quotas defined above in their candidate lists, will be required to select MPs to sit in the assembly based on the same quotas.

Elections

On June 24, the Cabinet set election day for November 22 and the EC moved quickly to finalize guidelines and regulations governing pre-election, election-day, and post-election activities. The election code-of-conduct for political parties, candidates, government employees, media and other institutions was formulated and following discussions the final draft will be issued soon; an electoral calendar is also expected.

The United Nations Election Expert Monitoring Team (EEMT), appointed by the UN Security General "to review all technical aspects of the electoral process, and [to] report on the conduct of the election," made its first visit to Nepal during the week of June 4, and began a second visit in late July. Its first report highlighted the need to address both technical issues relating to the election framework and the security situation in different parts of the country, especially the *Terai*.

POLITICAL UPDATE

On July 4, the government announced its program for the new fiscal year scheduled to begin in mid-July. A state restructuring commission will be formed to draft options for creating a federal state, and a three-year interim plan "for economic and social transformation" will be launched. In addition to a budget released during the second week of July, the parliament will discuss the three-year plan and the creation of a Constituent Assembly court during its summer session**.**

UNMIN Verification

The United Nations Mission in Nepal (UNMIN) denied news reports that some 400 People's Liberation Army (PLA) personnel were disqualified during the second phase of the verification process at Chulachuli, Ilam, one of the seven principal cantonments. A total of 3,221 combatants were

interviewed during the verification process in this area. PLA combatants can be disqualified for three reasons: 1) failure to report for the verification process; 2) joining the Maoist army after May 26, 2006; or 3) members who were not 18 years old by the May 26 deadline. The figures will be made public after further discussions with the CPN-M, which has suspended verification at the next camp in Sindhuli. UNMIN said the Maoist leadership requested a delay in order to consider the results in Chulachuli before proceeding.

Terai Unrest

Madhesi dominated areas continue to be troubled by political killings and violence from both known and unidentified groups and individuals. Further, the Madhesi Janadhikar Forum (MJF), a leading *Madhesi* group, threatened to re-launch its violent movement, which claimed nearly 100 lives earlier this year, if the government does not introduce a fully proportional electoral system. With levels of violence increasing in the *Terai* and new armed groups emerging, the EC demanded the government improve security so Constituent Assembly elections can be held. Unlike previous elections where security was provided by the Nepali Army, the Constituent Assembly elections will be secured by the police and Armed Police Force, and reinforced by nearly 80,000 temporary police officers. However, serious obstacles remain as the temporary officers need to be recruited, trained and deployed in the next four months.

The United Nations Office of the High Commissioner for Human Rights (OHCHR) said ongoing violence, including killings committed with impunity, risk undermining the peace and electoral process (OHCHR statement, July 2). It also expressed specific concern over the killings of Maoist cadres. Eight CPN-M cadres have been killed since June 4, most by the Janatantrik Terai Mukti Morcha (JTMM), a breakaway Maoist faction that has divided into three sub-groups.

The Council of Ministers ordered the Home Ministry to take "all possible measures" to check the ongoing killings and violence in the *Terai* and to improve the overall security situation in the country. According to columnist C.K. Lal, the government's decision to mobilize the Armed Police Force could further agitate the *Madhesis* because of a lack of trust in the police and its domination by people originally from *Pahadi* areas. Lal argues that, rather than a security response, a political response is needed and the political parties must mobilize in the region.

NDI PROGRAM UPDATE

Democracy and Elections Alliance Nepal (DEAN)

NDI assisted three domestic organizations - Nepal International Electoral Forum (NIEFO), the Nepal Law Society (NLS) and the Federation of Community Forest Users of Nepal (FECOFUN) - in creating the Democracy and Election Alliance Nepal (DEAN), which will build a transparent and non-partisan network of citizens intent on assisting and monitoring meaningful and inclusive elections. DEAN is also working to build citizen knowledge and confidence in the electoral process. Three members of DEAN's executive committee, along with representatives of other election monitoring organizations, met former U.S. President Jimmy Carter during his recent four-day visit to Nepal and explained their mandate and activities.

Karnali Program

From April 25 to May 12, NDI-Nepal conducted a capacity building event in the five districts of the remote Karnali region. The program aimed to strengthen the ability of politically marginalized groups to advocate for their concerns in the context of the constituent assembly elections. In May, district level programs were followed by village/community level events. As of early July, there have been events in nearly all Village Development Committees, monitored by NDI partner organizations. The program has helped raise awareness of the constituent assembly elections. More than 150 community based participants from political parties, civil society groups and the media attended the district level trainings in each district. Additionally, most of the 750 trainees have now organized and conducted pro-

grams at the village level. The CPN-Maoist threatened both district and VDC level programs in some cases, with instances of violence and theft of program funds reported. In all cases, participants continued to organize their events, despite efforts at intimidation.

Supporting the Inter Party Women's Alliance (IPWA)

The IPWA has finalized a work plan and timeline for establishing sub-committees in 16 new districts of the country as part of the Alliance's expansion, with technical assistance provided by NDI-Nepal.

Registered political parties and their symbols for the CA election as of July 25, 2007 (58 parties registered)

Name of political party	Allocated symbol	Name of political party	Allocated symbol
CPN (UML) (Communist Party Nepal – Unified Marxist Leninist)		Dalit Janajati Party	
Nepali Congress (NC)		*Nepal Sadbhavana Party (Anandi Devi)*	
Rastriya Janashakti Party (RJP) (National People's Power party)		*Hariyali Nepal Party* (Green Nepal Party)	
Rastriya Prajatantra Party (RPP) (National Democracy party)		*CPN - Sanyukta Marksbadi* (CPN - United Marxist)	
Janamorcha Nepal		*Shivasena Nepal* (Shiva's Army Nepal)	
CPN (Maoist)	Hammer and sickle in circle (new symbol)	*Madhesi Janadhikar Forum* (Madhesi People's Rights Forum)	
Nepal Majdur Kishan Party (Nepal Workers and Peasants party)		Nepal Cooperative Party	
Samajbadi Prajatantrik Janata Party Nepal (Socialist Democratic People's Party Nepal)		*CPN – Marksbadi* (CPN – Marxist)	
Rastriya Janamorcha (National People's Group)		*Hindu Prajatantrik Party* (Hindu Democratic party)	
Nepali Congress - Democratic (NC-D)		*Naba Janabadi Morcha* (New People's Group)	
Nepal Rastriya Bikash Party (Nepal National Development Party)		*Nepal Rastriya Janakalyan Party* (National Welfare Party)	
Samajbadi Party Nepal (Socialist Party Nepal)		*Rastrabadi Milan Kendra Nepal Dal* (Nationalist Meeting Centre Party)	Not yet registered
Rastriya Janamukti Party (National People's Liberation Party)		*Rastriya Bikash Party* (National Development Party)	
Rastriya Prajatantra Party Nepal (National Democracy Party Nepal)		CPN - Marxist Leninist and Maoist Centre	

CPN - Yekikrit (CPN - Integrated)		*Muskan Sena Nepal Party* (Smiling Army Nepal Party)	
CPN - Marxist-Leninist	Sickle with star (new symbol)	*Lig Nepal Shanti Eakta Party* (Track Nepal Peace Unity Party)	Not yet registered
Rastriya Janata Dal (National People's party)		*Nepali Janatantra Party*	
CPN - Sanyukta (CPN - United)		*Rastriya Jana Eakta Party* (National People's Unity Party)	
Nepal Samata Party (Nepal Equity Party)		*Nepal Jana Sangh Party* (Nepal People Organization Party)	
Janamukti Party Nepal (Liberation Party Nepal)		*Prajatantrik Shakti Party* (Democratic Power Party)	
Loktantrik Janata Party Nepal (Democratic People's Party Nepal)		*Nepal Janabhawana Party*	
Nepal Jagriti Dal (Nepal Wakefulness Party)		*Rastriya Jana Prajatantrik Party* (National People Democratic Party)	
Sa-shakti Nepal (Empowerment Nepal)		*Nepal Shanti Chetra Parisad* (Nepal Peace Zone Society)	
Rastriya Janata Dal -Nepal (National People's Party - Nepal)		*Rastrabadi Yuba Morcha* (Nationalist Youth Association)	
Nepal Prajatantrik Yuba Party (Nepal Democratic Youth Party)		*Nepali Rastriya Janabhawana Party*	
Shanti Party Nepal (Peace Party Nepal)		*Liberal Samajbadi Party* (Liberal Socialist Party)	Not yet registered
Nepal Janata Party (Nepal People's Party)		*Prajatantrik Shanti Party* (Democratic Peace Party)	
Nepal Bahudal Party (Nepal Multi-party Party)		*Nepali Janata Dal* (Nepali People's Party)	
Lok Kalyankari Janata Party Nepal (Welfare People's Party Nepal)		*Nepal Rastriya Loktantrik Dal* (Nepal National Democratic Party)	
Nepali Congress Rastrabadi (Nepali Congress Nationalist)		*Rastriyabadi Eakta Party* (Nationalist Unity Party)	
Prajatantrik Janamukti Party (Democratic People's Liberation Party)			