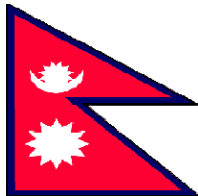


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Official Name: NEPAL

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.

Maoists withdraw from the government; threaten to disrupt electoral process

Following their earlier Fifth Extended Plenary meeting the Communist Party of Nepal-Maoist (CPN-M or Maoists) released a list of 22 demands, including: the immediate declaration of Nepal as a republic; changing the Constituent Assembly electoral system to a fully proportional system; forming a commission to investigate those who disappeared while in state custody during the war; the release of all “political detainees;” and the immediate integration of the People's Liberation Army and the Nepali Army. Of these stipulations, the CPN-M's demands for a republic and a fully proportional election system are seen as the most important.

After frequent hints that his party was hesitating in its commitment to hold CA elections, the CPN-M Chairman, Prachanda, proposed to postpone the vote to the Nepali month of *Baisakh* (mid-April to mid-May) 2008. The Maoists accused the parties of postponing the elections originally scheduled for June and said that his party had made a mistake by signing agreements with the Seven Party Alliance. The next day the leaders of other parties unanimously voiced their support for the polls and stressed they should be held as scheduled, branding Prachanda's comments as irresponsible.

On September 5, the CPN-M, dissatisfied by the government's unwillingness to concede to its demands, spelled out a timeline that would begin with a withdrawal from the party coalition government on September 18 and lead to a series of escalating protests. Despite efforts at mediation, the CPN-M followed through on their threat and left the government on September 18, pledging, among other things, to continue agitations until their demands were met, rejecting the Election Commission's Election Code of Conduct, and promising to disrupt all activities conducted by parties or other groups preparing for elections.

Protests by the CPN-M youth wing, the Young Communist League (YCL), intensified, with clashes between the YCL and the youth wings of the Nepali Congress (NC) and the Communist Party of Nepal – United Marxist Leninist (UML) in different parts of the country. Local activists from the UML, NC, the Rastriya Prajatantrik Party (RPP) and others were harassed and beaten. While political discussions continued until the end of the month, the major parties appear unwilling to concede to the Maoists two principal demands, and the CPN-M may, in turn, be reluctant to reverse course for fear of appearing weak and risking the possibility of a poor electoral turnout on election day.

Nepali Congress and Nepali Congress-Democratic unite

After years of discussions and months of negotiations the Nepali Congress (NC) and the Nepali Congress-Democratic (NC-D) announced their unification on September 25, 2007. The deal surprised many observers who had expected the NC-D to receive a minimum number of positions and to retain little influence over a united party.

Nepal Sadbhavana Party-Anandi Devi splits

The central committee of the *Terai*-based Nepal Sadbhavana Party-Anandi Devi (NSP-A), a member of the Seven Party Alliance and of the interim government, split after Minister Rajendra Mahato launched an effort to remove the party chairman, Anandi Devi Singh. Singh responded by expelling Mahato and his supporters. Both factions have claimed the right to contest the November 22 elections under the NSP-A banner, a dispute that has yet to be resolved by the EC.

Terai Unrest

There is a growing concern about the law and order in the south plains region of Nepal, the *Terai*. This region is predominately inhabited by the *Madhesi* ethnic group which, by many estimates, accounts for close to 40 percent of Nepal's population. *Madhesis* believe that they have been historically underrepresented in a government dominated by Kathmandu-based party leaders who have done little to address

Nepal's ethnic groups' concerns. *Madhesis* believe that the CA, for the first time in Nepal's history, will provide them with an opportunity to voice their concerns and secure the appropriate representation in government. Frustrated by the lack of progress by the interim parliament to draft laws and an electoral system that will ensure *Madhesi* representation in the CA, a number of groups across the *Terai* have begun to form, take up arms and violently press the government to address a variety of their demands. The demands include calls for a republic, forms of autonomy from the federal government, and full proportional representation in government. A number of these armed groups – now estimated at 22 – are threatening to thwart the CA elections and/or cause other violent incidents such as protests, blockades, extortion drives, and direct confrontations with security personnel if their demands are not addressed ahead of polls. The absence of any legitimate security force, especially in the *Terai*, has left many of these groups free to operate.

The unrest in the *Terai* has been exacerbated by several incidents of violence in September which spread into areas of the country not normally affected by conflict, such as Kathmandu. A series of coordinated bomb attacks in Kathmandu that killed three people was claimed by armed groups in the *Terai*. Additionally, following the assassination of an anti-Maoist vigilante leader in the western *Terai* district of Kapilvastu, a wave of violence has erupted, placing Maoist against anti-Maoist, hill people against people from the *Terai*, and Muslims against Hindus. More than 50 people are believed to be dead and many more injured, raped, or displaced.

The Madhesi Janadhikar Forum (MJF), which led the *Madhesi* protests earlier in the year, reached a deal with the government that promised that their demands for a fully proportional electoral system would be met but not until after the CA elections. The deal resulted in four of the seven leaders of the MJF splitting from Chairman Yadav and his two supporters; the latter are now aligning themselves with the Nepali Congress, while the dissidents appear to be finding common ground with the CPN-M.

In September, a five-day *Terai bandh*, or general strike, called by the Madhesi Mukti Tigers

(MMT), affected life in various districts of the region. The MMT have demanded that: the government declare those killed during the recent Madhesi movement martyrs; take action against the suppressors of the Madhesi agitation that took place in January and February; provide compensation to the victims' families; and withdraw all cases filed by the government against them. Cadres of the Jantantrick Terai Mukti Morcha-Jwala Singh faction (JTMM-J) killed a Nepali Congress activist in Parsa. Two people, including a Maoist YCL cadre, were injured when an unidentified armed group opened fire in Mahottari district. A day after the end of the five-day strike another group called the Dalit Janajati Party announced a strike in the eastern *Terai* districts.

Due to the violence and strikes in the region, the districts of Siraha, Saptari Mahottari, Dhanusha and Udaypur reported acute shortage of food items and other essential commodities. There is concern that with less than two months before election day, the lack of security in various parts of the country will prevent individuals from voting, especially in the *Terai*. If the violence that gripped the eastern *Terai* earlier in the year is now spreading, the credibility of the government will continue to erode.

The Communist Party of Nepal – United Marxist Leninist launches its campaign

While other political parties are showing little signs of preparation for the upcoming elections, the Communist Party of Nepal-United Marxist Leninist (UML) launched its nationwide election campaign in late August with a kick-off rally in Kathmandu. Following its 15th central committee meeting, the party formed an election mobilization committee with General Secretary Madhav Kumar Nepal as the chair. The party titled its campaign "Constituent Assembly elections for a Democratic Republic, Restructuring of the State and Sustainable Peace" and promptly organized closed-door orientation programs to train its cadres at the central, zonal, district and constituency levels.

UML Standing Committee Member Ishwor Pokhrel stated that as of mid-September the party had finished its district level training but its constituency programs were ongoing. He added there had been no

disturbances while conducting these training programs, "with the exception of some minor problems" and he believed that security issues had been exaggerated by certain parties. Party Central Committee Member Ganga Lal Tuladhar commented that party workers had faced no security challenges at the district level but the UML was concerned about its constituency programs, especially in the mid-western and western regions.

Election Commission

The Election Commission (EC) published the election calendar for Constituent Assembly (CA) elections. Candidates running for the first-past-the-post (FPTP) electoral race, in which the winner is determined by which candidate receives the most votes, are required to submit nominations by October 5, 2007. Those parties participating in the proportional representation (PR) race, in which the overall number of votes for a party are translated into a corresponding proportion of seats in the CA, must submit their candidate list by the September 30 deadline. The EC will publish the finalized candidate lists on October 10, followed by the final assignment of symbols to the designated parties. After examination by the EC, the finalized party lists will be published and made available to the public on October 10. The confirmed list of candidates and corresponding symbols will be published on November 2. The EC is forming a separate unit to address the complexities of the proportional representation race and the quotas in the new electoral system.

The second phase of the EC's national voter education program concluded on August 16. Three hundred and six regional level trainers are now equipped to train approximately 8,500 voter education volunteers (VEVs) at the district level. Voter education materials have been provided and widely distributed. The recruitment of VEVs is almost complete. Similarly, training for the Returning Officers in all of Nepal's 75 districts has been completed.

The EC, with support from IFES, will print election ballots in Nepal, with more than \$3 million in funds provided by the US government.

Constituent Assembly Court Act

The interim parliament passed the Constituent Assembly (CA) Court Act. The Court will be headed by a Supreme Court Justice and will have two additional members of the court who will be nominated by the Judicial Council. The CA Court will address all provisions and disputes related to the CA polls and will have the authority to invalidate the polls if irregularities are found. Furthermore, its decisions cannot be challenged by any other court of law.

According to EC Joint Secretary, Raju Man Singh Malla, the CA Court is a new development in Nepal. In previous elections, five regional level special courts were established in consultation with the Supreme Court, but the Supreme Court had final authority. Malla has stated that the new court will begin its work once political parties begin official campaign activities.

Code of Conduct

The EC published the Election Code of Conduct, which summarizes the election laws and specifies the conduct of candidates, political parties, and other actors during the election period. Candidates and political parties are prohibited from interfering in the campaigns of other parties, including campaign materials, candidates, or campaign events. Political parties, candidates, and individuals are prohibited from tampering with materials distributed by the government for the election, including ballots. Political parties and candidates are prohibited from interfering with voters, government staff, or journalists, and no government materials, including vehicles and facilities, can be used by the parties.

The Code of Conduct also sets limits for campaign spending, providing that each candidate may spend a maximum of Rs 50,000 (approximately \$2000) for a race under the PR system and Rs 495,500 (approximately \$20,000) under the FPTP system. Parties or candidates must submit a list of expenses to the EC within 35 days of the announcement of the election results.

Additionally, the Code of Conduct provides guidance to the media during the CA elections. The media are to be unbiased and to communicate clearly with the public; no individual or organization may suppress a news report. Government media are prohibited from favoring one party over another.

Election monitors and the EC will ensure the Code of Conduct is followed and constituency Returning Officers or the security forces will report violations to the EC. All individuals involved in the election and electoral processes, including NGOs, INGOs and international monitors, must also abide by the Code of Conduct.

NDI Programs

The Institute conducted the first phase of the Polling Agent Training Program in Kathmandu. These trainings were conducted in two phases over the course of three days, drawing 16 participants from the NC, UML, NC-D, RPP and NSP-A and eight participants from United Left Front (ULF) and Rastriya Janshakti Party (RJP). Participants were from all the five development regions of Nepal and included approximately 25 percent women party members with good representation of the Dalits, indigenous and *Madhesi* communities. Sessions were conducted on the electoral system, the rights and responsibilities of polling agents, strategies to ensure the deployment of polling agents, and the collection of their completed polling agent forms. The CA election simulation helped to highlight the crucial role of polling agents in election observation and documentation. Prominent guest speakers attended the training program, including legal advisor Marteen Haff, UNMIN Counselor Ed Doe, representatives from the Canadian Embassy, and Joint Secretaries Laxman Bhattarai and Raju Man Singh Malla.

The Institute, in conjunction with the Inter Party Women's Alliance (the Alliance or the IPWA), held a three-day program to orient Alliance trainers on the IPWA's newly developed training manual, which is designed to assist the upcoming district level capacity building programs. As a result, 14 partici-

pants from the political parties attended the program. Regional level trainings will begin later in September.

The Institute's domestic election monitoring sub-grantee, the Democracy and Elections Alliance, Nepal (DEAN) held a national seminar on "Implementation and Challenges of Electoral Law for Constituent Assembly (CA) Election" on August 13, 2007. The Speaker of the interim parliament gave the keynote address. Seventy-two participants, including members of the interim parliament, legal experts, journalists, academics, and electoral experts attended the program, which also received media coverage. Participants presented and discussed working papers on subjects such as the major features of the CA Election Act 2007, implementation of the CA Member Election Law 2007, and implementation challenges for the CA Member Election Act 2007. DEAN also developed a domestic election observer hand-

book and election day guidebook, and hosted Dr. Keith Jennings, a global expert on domestic monitoring organizations.

DEAN also conducted a training of trainers (TOT) workshop for Master Trainers (MTs) on September 19-21. These MTs, along with the DEAN secretariat staff, will conduct regional level trainings for district trainers scheduled for early October. In this training, three participants from the Constituent Assembly Observation Joint Forum (CAEOF), a monitoring group led by a former Chief Justice were also included. DEAN and IFES, in collaboration with NDI, organized an additional single-day session to design the Electoral Violence Education and Resolution (EVER) project, which will increase the capacity of 480 DEAN election observers to monitor and report on election-related violence.

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