

Post Conflict Election Experience of Nepal

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Democratic Process in Nepal

Situated between India and China, Nepal is rich in natural diversity and spectacular beauty. With a population of over 28 million, there is a huge variety of ethnic and caste groups, cultures, religions and languages. In 1951, as the Rana regime—a dynasty of powerful Prime Ministers—came to an end, Nepal took its first steps towards democracy. People's expectations that time was for a constituent assembly elections, however, it did not come to reality. As consequences of it, a period of quasi-constitutional rule followed, during which the monarchy, assisted by the leaders of fledgling political parties, governed the country. Instead of CA elections, new constitution was developed and Parliamentary Elections were conducted.

This remained limited to a dream and parliamentary democracy did not last long. In 1960, the king forcefully replaced the Parliamentary democratic system of government with a party-less *Panchayat* system over which he had ultimate authority. This system was to remain in place for the next three decades until, in 1990, general dissatisfaction with the system led to a street-based struggle coordinated by political parties known as the People's Movement I. King *Birendra* was forced to accept constitutional reforms and re-establish multiparty democracy. Three general elections were held, but the various governments of newly democratic Nepal failed to live up to people's expectations. In 1996, a Maoist insurgency was launched; triggering a new and radical dimension to people's day to day life and Nepali politics.

The King's Action and Peoples' Reaction

Another twist was added in June 2001, when a royal massacre left King Birendra and nine other members of the royal family dead. King *Birendra's* younger brother Gyanendra became the king. By October 2002, he had dissolved Parliament and taken over the reins of power through a succession of appointed governments. In February 2005, the King capitalized on the escalating Maoist insurgency and assumed full executive power, worsening the security situation. Growing unrest brought the political parties and the Maoist leadership together in a formal 12 point understanding, committing the signatories to holding a Constituent Assembly election. In March 2006, a second street-based campaign "*jana Andolan 2*" was launched. By April, this Movement had ended the king's autocratic rule and ensured the re-establishment of parliament and multiparty democracy. Historical Parliamentary declaration of June 2006 set up pillars for NEW Nepal.

Political Parties Agreed for Democracy

With Parliament reinstated the government and Maoists negotiated a Comprehensive Peace Agreement, formally ending the decade long conflict. They also negotiated an interim constitution providing a framework to govern Nepal during the transition period. As part of the reform process all powers of the King were removed. In early 2007, an eight party government that included the Maoists was formed. The new government became responsible for guiding the peace process towards the formation of a Constituent Assembly. This was a period of intense political change, during which elections to the Constituent Assembly became a top priority, widely supported at home and abroad.

Reconstituting of Election Commission

Holding a Constituent Assembly Election at such a time of transition, just after an armed conflict had ended, was not an easy challenge. Even before the Interim Constitution was drafted, the government activated the Election Commission and appointed Election Commissioners. Mid-June 2007 was set initial date for the elections, which was thought as highly ambitious

The Preparations and Postponements Elections –Stressful days

The Election Commission started its preparations, although many details of the election process were unclear. It tried to ensure that the sentiments of the people and the legalities of the Interim Constitution were incorporated into election procedures. Electoral laws and dozens of procedures and bylaws were drafted, and the voters' registration act was passed by Parliament. The Commission mobilized nearly 29 thousand officials throughout the country to compile and update the electoral roll. Many issues, however, such as the type of electoral system to be used, were still undecided. As Election Day drew nearer, it became obvious that the required legal and technical infrastructure would not be ready. Eventually, on the thirteenth of April 2007, due to the lack of the necessary legal framework, including the electoral law itself, the Election Commission had to announce it would not be possible to hold elections in June.

The Interim Constitution was amended and the date for elections was rescheduled to take place before mid-December. The absence of an exact election date made it hard for the Election Commission to plan its work. However, throughout the monsoon months of June to September preparations were ongoing. The government finally announced that elections would be held on the twenty-second of November 2007. Returning Officers and other required election officials were appointed, trained and deployed. A countrywide voter education program was launched using a range of broadcast and print media including public outreach activities across the country. Around ten thousand volunteers were used for outreach programs. The Election Commission completed its preparations and was poised for Election Day. However, at the point of candidate registration, some parties demand created uncertainty for election process. One of the demand was even to change the electoral system! The deadline for registering nominations was thirtieth of September 2007. The day before, the government requested that the Election Commission defer this date by one week. The Commission extended the nominations date by 5 days with an expectation that all the political parties will participate in the process. However, on the morning of the fifth of October (new date for candidate nominations), the government announced the postponement of elections. The Commission, to its great disappointment, was forced to stop work, even though international observers were on their way to Nepal and all preparations for the elections had been completed.

The Interim Constitution was again amended and the election date was rescheduled for the tenth of April 2008. Some of the arrangements completed earlier were now of little use, and the Election Commission had to restart its preparations. With the elections already having been postponed twice, everyone had doubts that the election would take place. Political parties resumed the debate about the type of electoral system. With this undecided situation, it was difficult for the Election Commission to undertake the necessary logistics, voter education and training programme.

Pre-elections Violence

Throughout February groups and communities all over the country were demanding that their voices be heard and fully represented in the Constituent Assembly. At times, this situation led to violence. In eastern Nepal, the *Janajati* (indigenous tribe) movement, representing various ethnic groups originating in the hills, was reaching its peak. Price hikes and fuel shortages were badly affecting people's day to day lives. Furthermore, shut-downs, kidnappings, bomb blasts and even murders led to a worsening security situation and threatened the peace process. With growing lawlessness and impunity, people were becoming increasingly pessimistic.

The *Madhesi* Movement representing the people of the southern plains, commonly known as the *Terai*, was also a rising political force, calling for greater representation and autonomy. After the Election Commission announced the programme for April elections, including the date for candidacy registration, an indefinite strike began across the *Terai*. This strike restricted the movement of people and goods in many areas, and made it difficult for candidates to register and election officials to carry out their work, including voter education and training. Logistic arrangements were getting tremendous difficulties with these closures. Despite these significant complications, the Commission was able to find alternative practical solutions to ensure candidate nomination.

Other challenges also existed. Although some of the registered political parties had participated in previous elections, there were many for whom this was the first election. They were not well acquainted with democratic electoral practices. Furthermore, the decided upon parallel mixed electoral system, which involved a first-past-the-post and proportional representation system with two different ballot papers, was confusing to the voters. A continuing lack of agreement between political parties left the public with a growing lack of confidence that the elections would ever happen.

Issues of caste, ethnicity, class, gender and geographic autonomy were constantly being raised. Many voices were calling for the resolution of these concerns before the election. There was also a suspicion among some that various factions, including the King or his supporters, might do something to disrupt the election process. And to compound the situation, a number of criminal armed gangs, acting in the guise of political groups, were becoming increasingly active, particularly in the plain land.

Situational Strategies of Election Commission

In response to the deteriorating situation, the Election Commission made efforts at every level to regain the trust of all electoral stakeholders and create an atmosphere conducive to elections. It convened high level meetings and gave guidance to the Prime Minister, government ministers and leaders of political parties. By taking a transparent and collaborative approach the Commission was able to assure the various stakeholders that it was working for the benefit of the people. Key to this was the Election Commission's ongoing dissemination of information which helped gain the support of the media and build public confidence. Although delicate, the electoral environment was gradually improving. The role the Election Commission played in this was well recognized. It used its significant political leverage to encourage various stakeholders to remain constructively engaged in the peace process.

However, as April approached, there was still doubt that elections would take place. The public remained skeptical. The *Madhesi* agitation had not abated. The *terai* strike continued, and many candidates were threatened and in some cases abducted. Officials were at times pressured to abort the elections completely. In view of this situation, the Commission took a flexible approach to the deadline for candidate nomination, extending the deadline twice to

allow for inclusion of all political parties. This helped diffuse tension and armed and unarmed movements largely became inactive. Election campaigning and rallies began to take place. The elections for the Constituent Assembly dominated the national agenda, anticipation mounted and voters started the countdown to Election Day.

Election Administration and Management of Political Parties

The political party campaign, which began early March, was regulated by the Election Commission through the Code of Conduct, agreed to by political parties. In cases where the code was openly disregarded, the Commission cautioned and reminded offenders to abide by the rules, particularly to remove wall paintings and political slogans. This had a positive impact with voters for the first time not being overwhelmed with promotional materials and noisy loudspeaker campaigning from vehicles.

In terms of logistics, this was the most intense period for the Election Commission. In four weeks, it printed over 40 millions of ballot papers of 241 different types; The Commission was able to efficiently distribute the ballots to 10 thousand polling centres across the country. More than 240 thousand electoral officials were trained and deployed to manage April 10 election. Nearly 150 thousand security personnel were mobilized for the security of this election. For the first time, an electronic voting system was introduced in one electoral constituency in Kathmandu. Election officials set off for their designated areas, ignoring any lingering threats. Logistical preparations for the election remained firmly on course, ensuring all polling stations would be operational from a technical perspective on Election Day.

In addition to the domestic observers, observers from many organizations and nations across the world arrived to watch the election process and see at firsthand how this traditional, small country is progressing from years of conflict towards an era of democracy. The United Nations Election Expert Monitoring Team (EEMT), former U.S. President Jimmy Carter, the European Union and ANFREL, were all part of this major observation effort. In total, approximately nine hundred international observers and more than over sixty thousand national observers were deployed throughout Nepal, covering almost all of the country prior to and on Election Day.

Election Day and Voter Turnout

Finally, the long anticipated Election Day arrived and people throughout the country cast their vote. Of the total voter population of 17.6 million, 10.7 million people voted giving a significant voter turnout of just over 60 per cent. Voters waited patiently in long queues at many booths and a general air of excitement characterized the day. People from all castes, ethnic communities, genders and religions turned out to vote. The young and old, side by side, enthusiastically participated, a reflection of the people's desire for peace, stability and development. In spite of the widespread violence in the run-up to the election and the serious security concerns, for the most part, voting was held peacefully as the world watched on with interest. The Election Commission was proud to have facilitated this momentous day on behalf of the Nepali people.

Six Decades long waiting of people ceases

The day the election for the Constituent Assembly finally dawned was a memorable one for the people of Nepal. They had waited more than six decades for their chance to vote on who should write their Constitution. The arrival of this historic day had not come without

challenges and delays but the will of the people had prevailed, setting an example to the world.

The Outcome of the Elections

On closing of the polls at 5 pm, ballot boxes were transported by foot and by car with police escorts to district headquarters to be counted. In extreme cases where the terrain was difficult, helicopters were used for ballot transportation. The counting of the ballots took place over a two-week period, under the watchful eye of political representatives and observers. Results were released gradually at counting centres and transmitted to the Election Commission headquarters. The first result was announced within 17 hours of polls closing and all the results of the First-post-the post were declared within ten days. The Proportional representation results were announced by the Election Commission on May eighth, 2008.

In terms of the election result, the Maoists won the highest proportion of seats. This shift in Nepali politics was fully accepted by all the contenders as well as the electorate itself, with a limited number of re-runs. The people of Nepal gave a clear mandate to their leaders to work for sustained peace, progress and democracy for the country. The government, political parties and the people received congratulatory messages from across the world. The role of the Election Commission in overcoming so many challenges and hindrances to holding the election was well recognized. But perhaps one of the greatest measures of success is the representation in the Constituent Assembly of groups, such as the *Madhesi*, *Janajatis* and *Dalits*, who previously had very little or no representation at the policy and decision making level in Nepal. Furthermore, an impressive thirty-three per cent of seats went to women, ensuring that Nepal now has one of the highest percentages of women parliamentarians in the world.

New Challenges

The election of the Constituent Assembly has heralded a new era for Nepal. These elections have ensured wide participation by the people in selecting their representatives for the Constituent Assembly, ensuring that the many voices of Nepal will be heard during the writing of the new Constitution. Optimism and hopes are high, and the expectation is that Nepal can now look forward to sustained peace and a brighter future. There are without doubt many challenges ahead. The Commission's commitment to build on the successes of the Constituent Assembly elections and address the shortcomings will thus ensure that the Election Commission is set to remain a credible guardian of democracy in Nepal.

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