



## **Report on Preparations for the Second Constituent Assembly (CA) Elections in Nepal, 2013**

Prepared by ANFREL Election Assessment Group

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**Report on Preparations for the Second Constituent Assembly (CA)**  
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**PART I**

**A. Political Backdrop and holding of the second CA elections**

The Election Commission of Nepal in its latest announcement made on September 8, 2013 said that the second Constituent Assembly (CA) elections would be held on schedule on November 19, 2013. The declaration of the Chief Election Commissioner Mr. Neel Kantha Uprety seems to reflect the desires of the average Nepali citizen, who wants to see political stability return to Nepal. However, a significant amount of uncertainty regarding the election date exists as the 33-party alliance led by the Communist Party of Nepal (CPN)-Maoist have announced a boycott of the polls, while four of the main political parties of Nepal, The Nepali Congress (NC), the Communist Party of Nepal (CPN)-United Marxist Leninist (UML), Unified Communist Party of Nepal (UCPN)-Maoist and the Terai Madheshi Democratic Party (TMDP) want the elections to be held on November 19, 2013. Despite efforts that are underway to convince CPN-Maoist leader Mohan Baidya and his supporters to be a part of the electoral contest, the chances of achieving a consensus on the November election date appear to be remote.

The Baidya-led faction consisting of the CPN-Maoist party and allied parties has been demanding a postponement of the elections because it claims that the current Election Government under Supreme Court Chief Justice Khil Raj Regmi is “unconstitutional” and that it should be disbanded and replaced by a new government of national unity supported by all the political parties.

On March 21, 2013, CPN-Maoist had set three preconditions for the party to contest the CA elections: that the four major political parties scrap the 11-point agreement that led to the formation of an Election Government under Chief Justice Khil Raj Regmi; dissolution of the Government; and the organisation of a round table conference to form a Government of national unity. During a meeting with NC vice president Ram Chandra Poudel and others held on July 6, 2013, in Kathmandu, the CPN-Maoist leaders set forth three new conditions: the “remaining 10 per cent work” of the first CA should be concluded; the 25 point Presidential Decree of March 13, 2013, on the basis of which the non-political Government headed by Chief Justice Khil Raj Regmi was formed, be reviewed and the Government be replaced by a political one; and postponement of the already-declared November 19 elections by three to four months so that “course-corrective measures” could be taken without rush.

A high level political committee (HLPC) was set up by pro-election parties (UCPN-Maoist, CPN-UML, NC and TMDP) to seek a political consensus on

the elections. The head of the HPLC, UCPN-Maoist chairman Pushpa Kamal Dahal aka Prachanda, held talks with the CPN-Maoist leaders and with other agitating political parties. There have also been reports of a possibility of an agreement between UCPN-Maoist leader Pranchanda and CPN-Maoist leader Baidya, but so far it is all very speculative. The CPN-Maoist party continues to insist that the party will sit for talks with the HLPC if they agree to hold “unconditional talk” with the joint team of the 33 agitating parties.

Other major parties like the NC have also tried to persuade Mohan Baidya to join the political mainstream by participating in the elections. The president of the NC met with CPN-Maoist leader Baidya, but the results were no different.

Most of the major political parties appear to be running out of ideas for achieving political consensus on the November election date. The leaders of major political parties have said that the demand for dissolution of the present Election Government and postponement of the November polls cannot be fulfilled and the election will be held at any cost even if the dissenting parties do not participate. Leaders of CPN-UML have openly said that the CPN-Maoist’s non-participation in the elections “will not make any difference” and that the best way to overcome the political impasse in Nepal is through holding the elections in November.

Two other major groups - the Madhesi Janadhikar Forum (MJF) of Upendra Yadav from Madhesh and the Federal Socialist Party Nepal (FSPN) of Ashok Rai - who were holding out finally came on board with the latter signing a five-point agreement with the HLPC on 6th September.

Whatever hopes of achieving political consensus existed dried up last week (the first week of September 2013) when the four political parties, popularly known as the political ‘syndicate’, rejected the demand of CPN-Maoist leader Baidya for a roundtable conference. The argument of the group of four parties is that the demand of the CPN-Maoist faction is more oriented towards attempts to foment an insurrection with the goal of taking control of the government by force. While this argument may hold some truth, considering that armed struggle has been the ‘official line’ of CPN-Maoist leader Mohan Baidya, it would be virtually impossible for the HLPC to meet the demands of the party.

In response, the CPN-Maoists have now upped the ante by calling for a boycott of the November elections. Supporters of the party have been calling for a “peoples’ war” as a way to express their opposition to holding elections. In fact, the party had in July announced its plans to boycott the polls. CP-Maoist’s top functionaries had in press statements announced that the party would form a “youth retaliatory force,” and that apart from mobilizing its cadres it had also decided to mobilize its youth, peasant, student and other wings against the polls.<sup>1</sup>

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<sup>1</sup> CPN-Maoist formally decide to boycott polls. Republica. July 2, 2013  
[http://www.myrepublica.com/portal/index.php?action=news\\_details&news\\_id=57212](http://www.myrepublica.com/portal/index.php?action=news_details&news_id=57212)

Media reports quoting the party's "official document" mentions "youth resistance groups" as a way to disrupt the polls.<sup>2</sup> Leaders of the party have been quoted as saying that they have already begun the "exposure campaigns" against the "regressive elements" that will continue till mid-September. The party then plans to launch its "The Third Push" programme. In the Maoist phraseology, "The Third Push" means the final confrontations with the state security forces in order to take control of the government. The secret party document also states that their targets will primarily be "the political parties and selected stooges" during the election.<sup>3</sup>

Nepal's capital city Kathmandu has been hit by strikes with the CPN-Maoist supporters participating in protest rallies against holding elections in November. There is a sign of growing restlessness amongst party workers and supporters of the CPN-Maoists who have made public their intentions to "disrupt" the November elections. The current situation has also led to expressions of concern from several quarters. Media reports have quoted former Chief Election Commissioner Bhoj Raj Pokharel as expressing serious doubts whether the elections would be held at all. In his opinion, the current need in Nepal is "to climb a mountain," but going by the behaviour and preparedness of the major political parties and the government, it looks like they are not even prepared to climb a hill. Therefore, we have to doubt their true intentions and the possibility of elections in November."

Mr. Pokharel added that political preparation and necessary political will are more important than sorting out the technical issues and logistics for the polls. The former CEC may be right, but what cannot be ignored is the fact that many others including the international community are convinced that any delay in holding the CA elections beyond November would create further complications in an already complex political environment. The fact that the Constituent Assembly elected in 2008 could not complete the writing of the new draft Constitution and also the fact that the mandate of the current Government ends in November is something that the international community is worried about.

Nepal's two big neighbours India and China appear to be interested in seeing political stability return to this Himalayan country and the process of drafting the new Constitution completed by a legitimately elected government through a free and credible electoral process. Continuing political instability in Nepal does not augur well for India and China for strategic and other reasons. The international community is keen on making Nepal more investor friendly to help the country rebuild its economic infrastructure, which has been impacted by over two decades of insurgency, conflict and political instability.

However, the display of enthusiasm that is being shown by the international community, especially amongst donors and others that are supporting election observation missions, to push for the November election date has been criticized by a number of groups and individuals who feel that elections must

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<sup>2</sup> IDSA COMMENT, Come November in Nepal... [Post Bahadur Basnet](#), September 9, 2013. Institute for Defence Studies Analysis

<sup>3</sup> Ibid

be an “all inclusive process” that helps Nepal to end conflict and social unrest, instead of being seen as merely carrying out the will of the international community.

## **B. Areas of Concerns (Voter Registration)**

Notwithstanding the criticisms, there are a number of shared concerns that were raised by both local and international organisations regarding the management of the electoral process. Besides the uncertainty that looms over the participation of the CPN-Maoist party and its faction of 33 parties opposing the elections, there are other more technical reasons, such as systematic errors in the voter registration process, the distribution of the voter list, the role of the YCL and anticipation of violence (reflected also in the spread of small arms across the Madheshi and other parts of the country), which have been termed as “worrisome” by international groups.

Pertaining to voter registration, the real worry is the possible disenfranchisement of several million voters, owing to their inability to meet the election commission regulation on registration requirements. The electoral law specifies that in order to register as a voter, a person must possess a Nepali citizen certificate besides other documents. According to an UNDP reports more than couple of million people in the country are without citizenship papers, out of which 40 percent are youths. The Forum for Women, Law, and Development, puts the figure of those who have deprived citizenship certificates at 4.3 million.<sup>4</sup> It is usually the lack of written documents such as birth certificates, especially amongst people residing in rural areas that prevents people from registering to vote. Other problems arise out of registration errors and lack of sufficient awareness of activities, which aim to facilitate voter registration, especially in rural areas.

The Carter Center has reported that a “large number of eligible citizens—potentially several million—remain unaccounted for on the voter register.” The existing registration efforts have had shortcomings such as lack of resources and time to execute plans made by the ECN and structural barriers, particularly when obtaining citizenship certificates when it comes to efforts by women to register to vote.<sup>5</sup> The Carter Center notes that, based on 2011 census data, a greater number of persons than previously estimated remain unregistered. According to officials of the Center, the best possible way to get eligible voters, especially married women on the registry, is to review and modify as necessary the guidelines of the Ministry of Home Affairs regarding the issuance of citizenship certificates. A recommendation made by the Center is for the government to consider ways to overcome legal barriers to citizenship certificates and voter registration by otherwise eligible persons,

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<sup>4</sup> No Voter Left Behind, Nepali Times. 9-15 August, 2013 <http://nepalitimes.com/article/from-nepali-press/Ftnp-no-voter,662>

<sup>5</sup> THE CARTER CENTER COMMENDS NEPAL ELECTION COMMISSION'S VOTER REGISTRATION OUTREACH EFFORTS, ALSO HIGHLIGHTS AREAS OF CONCERNS. NEWS, THE CARTER CENTER. Feb 28, 2013

such as children of individuals who received citizenship by birth under special provision in 2006-2007.

It is also noteworthy that, while raising concerns, the Carter Center has also commended the ECN's latest mobile voter registration outreach drive, which was designed to target citizens from marginalized communities—including women, Dalits, and Adivasi Jannati groups, as well as those from geographically remote regions—to register to vote.

Meanwhile, a common concern that arose during most meetings and interviews was the ability of Election Commission of Nepal (ECN) to be able to complete the process of printing the voters' cards and to distribute them to voters. As late as September 3, the Election Commission was issuing tenders inviting bidders to submit sealed quotations for printing, supply and delivery of Voter Identity Cards.

### **C. Violence, Conflict and Security (mitigation measures)**

The possibility of violence during the elections, especially from the disgruntled Maoist faction led by Baidya, is seen as another reason for worry, though chances of disruptions of the polls countrywide has been dismissed by most organisations, political parties and the media, because the CPN-Maoists are thought to lack the fire power and the support to disrupt the elections apart from instigating sporadic violence in some parts of the country. To counter possible acts of violence by the CPN-Maoist cadres and their supporters in the valley and mountain constituencies, the Election Commission of Nepal (ECN) has made elaborate security plans together with the Nepali police and the army. Officials of the Nepali police seemed confident during a meeting with an ANFREL team of being able to create a security map, identifying the "vulnerable constituencies" from the relatively peaceful ones and putting together a plan involving regular police, the army and a group of retired police personnel.

The Nepali police are gearing up for the November 19 elections<sup>6</sup> considering that the ECN's latest announcement is an indication that there would be no postponement. The role of the Nepali police will be crucial, as they will be in the center of security management with about 155,000 security personal doing duty. Of this number, an estimated 50,000 personnel will be from the Nepali police, 20,000 from the Armed Police Force and about 45,000 from the Nepali army. An additional 40,000 personnel (mostly ex-servicemen) will be hired as temporary police to make up the remainder of the security forces. A security/vulnerability map, which has categorized areas as "Most Vulnerable," "Less Vulnerable" and "Normal", has been prepared by the police and is expected to be released to the public before the elections.

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<sup>6</sup> A senior Nepal police officer, informed the visiting ANFREL delegation that high level meetings with the ECN and other security agencies have led to preparation of plans for the November 19, election. A contingency plan has been put together in case there are any changes in plans.

The involvement of the Nepali army has been welcomed by most, except that there have been questions raised about how the regular army soldiers and the newly enrolled ex-Maoist combatants would behave or react to actions initiated by Maoist cadres from the UCPN and the CPN-Maoist. The final integration of the former Peoples' Liberation Army (PLA) into the regular army was just completed on August 27, with the absorption of 70 officers and 1352 others.

Overall, the Nepali army will play a crucial role, as it would be tasked with providing security to all vital installations, besides overall security of the electoral booths and polling stations. Confidence in the Nepali army was evident, cutting across political parties, civil society groups, media and even ordinary citizens.

#### **D. Election Observation**

While in general the Nepali government, political parties, civil society, media and ordinary citizens appear not to be averse to election observation, there were mixed responses from many quarters regarding the usefulness of observers, in particular international observers, in the current political context. As compared to the first CA election in 2008 when international observers had a larger presence, this year most international election observer groups are planning smaller missions and are likely to focus on certain aspects of the electoral process, instead of trying to address all the issues that continue to impact the holding of free and fair elections in Nepal.

In the 2008 CA elections, there were more than 900 international observers from across the globe from 24 different organizations. In addition, all South Asian Association for Regional Cooperation (SAARC) country electoral bodies were invited to observe during the polling day. The United Nations was involved in technical preparations and had deployed an Electoral Experts Monitoring Team (UNEEMT). Almost all major donors and neighboring countries contributed toward the successful conduct of the elections.

Many Nepalese, however, are uncertain about the utility of election observation missions and have expressed an eagerness to see observers in "all parts of the country" and for "longer periods of time." A common complaint has been that "observers come only during elections and stay only in cities instead of penetrating deep" to see if the conduct of elections has been fair and without fraud.

Many appeared to think differently and said that the presence of international observers is important as it acts as a deterrent to frauds and possible manipulations during elections.

Related to concerns regarding the 2008 elections is a recent development involving the reduction in the number of voters in UCPN (Maoist) leader Baburam Bhattarai's constituency—Gorkha district—from 46,272 actual votes

(which he polled in the 2008 CA elections) to 43,822 voters registered in the constituency this time. That reduction in the number of registered voters has raised serious questions about the legitimacy of the last CA elections. So far, there is no explanation to explain this reduction in the number of voters, the only theory being a dramatic fall in the age of the population, which is highly unlikely.

The new data on the voter registry has recently been questioned in the media. Indeed, one publication argues that with conflicting sets of data, the current elections are a “big question mark.”<sup>7</sup> These and other factors arising out of the constant power struggles and political bickering in Nepal have prompted suggestions that international observers should be present in the country far ahead of time to gauge the actual situation on the ground and not simply be part of the election day routine. Interestingly, the presence of domestic observers in large numbers in the country does not evince much interest amongst the people as the common impression is “Nepali society is highly politicized” and given this it would be extremely difficult to find any one individual or group which can be respected as absolutely neutral.

Despite apparent mistrust of local observers, the number of domestic election observer groups has increased from what it was in 2008. Although ECN figures show that as many as 60,000 observers were present during the 2008 CA elections, the actual number of registered observers representing organisations that sought accreditation from the ECN and observed the elections was less than the number of persons who are currently seeking to observe this year's elections.

Some of the prominent domestic observer groups with whom discussions were held include National Election Observation Committee (NEEOC), Election Observation Committee (EOC), General Election Observation Committee (GEOC) and newly registered organisations like Democracy and Election Watch (DEW) and National Election Watch (NEW). The National Election Monitoring Alliance (NEMA) has decided not to monitor the elections but to join other organisations in collaboration with the Informal Sector Service Center (INSEC) Nepal to support its members who have previously engaged in election observation as well as other civil society groups that plan to observe the elections.

Given the mix of experienced and untested domestic monitors, the elections are likely to be more closely monitored. Moreover, most of the domestic groups are engaged in voter education and training of local volunteers to observe the electoral process during the pre-election, Election Day and post election phases.

The Election Commission of Nepal has responded positively to the presence of both national and international election observers/monitors and has invited groups that want to register to observe/monitor the process to file applications for consideration. In fact the ECN **Election Observation Policy, 2013** makes

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<sup>7</sup> Missing in Election. Op-ed. The Kathmandu Post, July 28, 2013.

it amply clear that by allowing national and international observation/monitoring groups with experience, as per established standards, the commission wishes to bring about “continuous improvement in the election system and processes and to increase the impartiality and reliability of the election.”<sup>8</sup>

Indeed, during a meeting with the Chief Election Commissioner (CEC), Mr. Uprety, it was evident that the ECN welcomes both national and international observers so as to ensure more credibility in the conduct of the electoral exercise. The CEC, however, made an interesting remark during the brief meeting when he said that observers must look at the Nepali elections “with an Asian lens.”

The ECN policy on observation categorically states that the objective of conducting election observation is to ensure “free, impartial and reliable elections and public referendums conducted by the Election Commission, and to assess if the standards determined by law have been implemented properly.”<sup>9</sup> Further, it goes on to say that the objectives are:

- a. To increase the acceptance of the election results at national and international levels and make all election processes other than the secrecy of voting transparent,
- b. To promote the coordination and participation of major stakeholders in the election process,
- c. To promote the image of the Commission at the regional and international level, so that mutual relations shall be strengthened,
- d. To increase the capacity of the national organizations and their observers involved in observation,
- e. To effectively implement observation so that it is well managed and disciplined.

Notably, the section on “**Coverage**” in the Election Observation Policy clearly states that “Election observation shall not only be focused in cities and convenient places but shall also cover mountains, hill, Terai, and remote places of all five development region.” In fact, this section has been applied as a criterion for all observer and election monitoring groups seeking accreditation.

Another requirement of the policy, under the section on “Accountability”, states that “Institutions/organizations involved in observation shall be accountable in terms of their work to standards formulated at national and international levels and the code of conduct (CoC) formulated by the

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<sup>8</sup> **Election Observation Policy, 2013.** Election Commission of Nepal.  
<http://www.election.gov.np/EN/media/observation.php>

<sup>9</sup> Ibid

Commission.” Under this provision, all observer and monitoring organisations have to strictly adhere to the "do's and don'ts" spelled out in the CoCs, a breach of which may lead to withdrawal of accreditation of observers and blacklisting of organisations or observers. The observation policy document also states that the commission is required to follow international standards when formulating the CoC. In order to develop the CoC, the ECN consulted with relevant stakeholders under powers conferred on it by Section 28 of the Election Commission Act, 2007.

## **E. The Election Commission of Nepal**

The commission appears to be fairly well prepared to conduct the elections in November. Though there exists some room for doubt on the readiness of the ECN, especially regarding the timely printing and distribution of the voter cards, large sections of the polity and civil society in Nepal including the media seem confident that the commission has the experience and the ability to complete the electoral process without much hiccup. In fact, a great number of the people interviewed had generous words for the ECN, terming it a “credible institution” and “not a politically corrupted body.” Most political parties expressed confidence in the ECN and its current chief Mr. Uprety to be able to hold the elections in November.

The only real questions that were raised about the ECN were by some international organisations on the lack of a sufficient technical knowhow in the commission to manage some of the crucial aspects of conducting smooth elections. For instance, IFES, which provides technical back-up to the ECN, was of the opinion that while there has been an improvement in the quality of the commission, it still has deficiencies in its Information Technology department and is dependent on the UNDP for support. Besides this, the decision making process in the ECN which is usually through a consensus of all its commissioners—there are five commissioners—is seen as not productive and as time-consuming when it comes to timely conduct of organizational and administrative activities. The hierarchy in the system also does not provide much freedom to district level officials, making implementation of plans on the ground a cumbersome and slow process.

The ECN's decision to push forward with the photo identity card system has also come into question amongst a small section of the international community. Questions on the need for the photo identity card have arisen from the fact that the electoral roll will have names and pictures of the voters and therefore all a voter would need to do is go to the polling station, as he/she would be identified based on the name and the picture on the list. Though this drive of the ECN has been seen as an unnecessary and expensive endeavor, officials of the election commission and even political parties have cited several reasons such as a history of cheating and electoral fraud and the poor quality voter register list making it difficult to identify a voter

correctly as reasons for introducing the voter photo identity card. Besides these concerns, there have not been any other major issues raised about the ECN.

## **F. Political Parties**

More than 135 political parties have been registered at Nepal's Election Commission for the second CA election in November. Out of the 139 political parties, 76 are new ones that did not take part in the 2008 CA election. The CPN-Maoist party, which is a breakaway faction of UCPN (Maoist), has not registered its party at the EC, saying that election is not possible under the current circumstances.

The number of political parties willing to register has significantly increased this time. In the 2008 CA election, 84 parties applied to register but only 74 parties were formally registered. Out of the 74 registered, 54 parties took part in the 2008 election and candidates from 25 parties were elected to the CA. In 2013, most of the registered parties are regional and ethnicity based. The election commission conducted the registration process of political parties from May 1 through May 30. Though the ECN has said that there would not be any extension of the deadline, there is a slim chance that a two-week registration window could be opened to allow the CPN-Maoist party to register, as back-door negotiations are still ongoing to try to convince the party to join the electoral process.

The Constitution of Nepal provides for a multi-party system. Some of the major parties in this system that met with the ANFEL assessment mission are discussed below.

The leaders of the **Unified Communist Party of Nepal (Maoist), or UCPN (M)**, are confident that elections will be held on November 19. The party is in favor of holding elections then<sup>10</sup> which was reaffirmed unambiguously by a party representative. The UCPN (M) representative admitted that there were challenges and risks associated with holding the elections on November 19, but he was of the opinion that “a best alternative other than elections is not available.” The UCPN (M) is not perturbed by the threats from its former colleagues, the CPN (M), which it says has taken a different ideological approach.

The party is going ahead with preparations for a one month long election campaign in all the electoral constituencies. The party is of the opinion that it is in a more advantageous position than in the previous CA election. According to the UCPN (M) representative, a key element, which makes its stand on completing the democratic process through elections, is to make the process participatory by involving smaller parties through a series of discussions.

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<sup>10</sup> Interview with Khim Lal Devkota as part of the ANFREL-Foundation assessment mission which was undertaken in August-September 2013. The assessment mission attempted to reach out to as many interlocutors as possible, which includes all major political parties in Nepal.

It is interesting to observe that the UCPN (M), which once shared the same agenda of liberating the country through a peoples' revolution, is today a much more conciliatory party and blames the breakaway CPN-(M) for blocking the political consensus to hold the CA elections. Leaders of the UCPN (M) are of the opinion that the CPN-(M) are aiming to create an environment conducive to anarchy, which the CPN-(M) apparently believes would favor its interests.

### **The Nepali Congress (NC)**

The NC, which is the oldest party in the electoral contest, also agrees that elections will be held as scheduled. A senior party functionary said that while Maoists factions that are opposing the elections may attempt to disrupt the elections, he was confident that they would not impact the overall process. There is a strong belief amongst parties like the NC that things have changed since the 2008 elections, when "people, especially in the villages were threatened by gun-toting men." According to the NC representative, "people know it now," and that would make the difference. In his view, the promises made by the Maoists in the 2008 elections have not been kept and villagers and peasants who voted for the Maoists believe that they have not benefitted from the change that was brought about in the 2008 elections. Further, the faction in the Maoists ranks that are desperately trying to regroup is also seen as another reason to believe that the Maoists have failed to deliver to the people's expectations as one party. Interestingly, the NC still believes that a political consensus is important to ensure that the breakaway Maoist faction (CPN-Maoist) does not revert to an armed revolt and its leader Mohan Baidya become an institution to reckon with. The CPN-Maoist party is seen as not as strong a force as the original Maoists who fought under a single banner, but the fact that it is still extremely radical is thought to be a matter of concern. A return to an armed insurrection, according to the NC, can be prevented by making the process inclusive.

Besides the lack of political consensus on the election and its impact on concluding the political transition, the NC flagged some other concerns, such as the divisive politics in the Terai region and the fear of violence amongst Madheshi parties. The growth of rightist extremism, which still has strong believers in royalism and religion, was also identified as an area of concern, which may result in violence in some parts of the country.

However, the ECN was described as a credible institution and largely non-partisan. Preparations by the ECN were also described as adequate and strongly supported by people who do not want another violent struggle. The NC supported the ECN's move to introduce the Voter Photo Identity Card saying that though the voter list has pictures of voters and may seem to be enough, given the history of fraud and attempted cheating in Nepal's elections, the photo identity card would be useful. The NC is also in favour of international election observers being on the ground during the elections.

## **CPN-UML**

Like the other two big parties, the CPN-UML also favoured holding elections in November. The CPN-UML identified three or four challenges, which need to be addressed. These include the use of small arms, which are apparently flooding from across the open border that Nepal shares with India. Small arms are said to be spreading all over the country and could be used by vested interest groups to indulge in violence during the elections. A CPN-UML representative told members of the assessment mission team that political parties might also hire criminal groups to foment trouble during the elections.

The other challenges that were identified were the youth wings of three major political parties such as the UCPN (Maoist), the NC and the TMDP. The CPN-UML representative did not explain how the youth wings could pose a challenge to the conduct of credible elections but given his concern about the plan of the Young Communist League (YCL) to deploy about 200 youths in every polling station, it is apparent that fear of violence and intimidation of voters are obvious concerns. However, the plans to deploy 200 youth volunteers have so far been mostly hearsay with no confirmed plans presented by the YCL.

The other challenge mentioned by the CPN-UML was cross border criminal activity in the Terai region, which supposedly makes the Terai region the most vulnerable area. There always exists the possibility of the use of criminal elements by political parties to threaten and intimidate voters in this region. In addition, the misuse of money and resources by powerful parties has been flagged as another big challenge that could impact elections.

## **G. Media**

With some exceptions, most stakeholders perceive the media as generally free and non-partisan. Though there are some local media groups that may display some political leanings, the media in Nepal are thought to be credible and have kept the people informed about the electoral process. State owned media, especially television, has been used by the parties in power to try to exert influence on elections. While some publications may also be under the control of some big political parties, the local dailies are thought to be fairly professional and neutral in their reporting of the election. Most of the people interviewed said there is not much manipulation evident in the media. Newspapers and television stations that are privately owned are expected to provide unbiased reports on the conduct of the elections. The media are thought to be an important instrument for creating an environment for elections and democracy. Some private media are working closely with the ECN to conduct public outreach and awareness amongst voters about the different aspects of the electoral process in Nepal.

## **H. Methodology used to conduct the assessment**

The methodology used to conduct the assessment was essentially interviews and meetings with various stakeholders. Interviews and exchanges were held with all three big political parties as well as the CPN-Maoist, beside the Chief Election Commissioner, civil society groups, domestic election observer organisations, international agencies and observer groups, members of the UN Election Support Project in Nepal, lawyers, police, independent consultants and political analysts, media and women's groups.

The interviews were focused on the possibility of holding the elections on November 19, the current political situation, growth and preparations by political parties to contest the elections, the security situation, the role of CSOs and the media in the elections and the arrangements made by the ECN to hold the elections in November. There was also some focus on other issues such as the voter registration process, training of election officials to conduct the elections, the voter education programmes of the ECN and other organisations, complaint filing and dispute resolution mechanisms and efforts to include marginalized groups, Janjati, Dalits and women in advocacy and voter awareness activities. A background check was carried out comparing literature available from the 2008 CA elections and ANFREL's election observation mission with those that are available now. This helped to provide a picture of the changes that have taken place so far in the democratic transition in Nepal.

## **I. Conclusion**

There have been undeniable changes in the political landscape in Nepal since the 2008 elections, but given that there has not been much change in the way elections are being contested, with the same political parties, with more or less similar agendas, the overall environment would not be too different. A few politicians have switched sides and the Maoists are divided, but the ideological divisions that existed in 2008 remains unchanged. However, what is positive about the elections is that it has raised hopes amongst the people of moving forward towards a democratic future that every Nepali citizen wants at this point of time. Most Nepali citizen appear to be pinning their hopes on the elections to provide them a clean and accountable government, which would complete the process of writing the new constitution. Further, the present election government, under the leadership of a sitting Supreme Court Judge lacks popular support and is seen as unconstitutional by most, which makes it all the more important that a due democratic process unfolds and elections perhaps provides the best solution to do so.

There will undoubtedly be immense challenges for whichever government comes to power as political divisions in Nepal has widened beyond ideological lines, into personal battles and hatred. To add to this widening division between political forces is the deep polarization between the communist and the non-communist forces, which will make it that much more difficult for any

government that is elected to move things forward. A clear indication of this is the inability amongst the political forces to build a political consensus, which perhaps would have been less difficult had difference amongst the political parties were confined to only ideologies, issues or agendas. A blogger has very aptly commented, "There can be no solution to personal egos, petty interests and simple hunger for power." But the obstacles and the challenges notwithstanding, the answer lies in a democratic process through holding of free and credible elections and therefore it must reiterated that whether the elections are held in November or are postponed by a few months to accommodate all political forces, there can no turning away from holding the electoral process.

It would also be naïve to expect that the elections will be absolutely free and credible, given that there have been direct threats from the CPN-Maoist to disrupt the elections using violent means. Besides other forces such as criminal elements and vested interest groups would try everything possible to foment violence to either garner votes or disturb the elections. Almost all political parties, civil society groups and the media included expressed fear of use of violence by different groups, especially in the Terai region during the elections. The security agencies too have admitted of possible violence and attempts by vested interest groups to manipulate or vitiate the elections, though the Nepal police, which is primarily tasked with maintaining law and order throughout the electoral process is confident that it is ready to face these challenges.

The election management body too appears not to be deterred by threats from the CPN-Maoists or other forces of possible disruption of the elections. The Commission has been given rather high scores, except for minor concerns, by almost all political and non-political groups that spoke to ANFREL and this is definitely a good sign as it helps in building confidence amongst voters and the people of Nepal who are keen on participating in the democratic process. The other encouraging aspect of the elections is that there has been an increase in the number of civil society groups that are involved in election monitoring. This apart the fact that election commission and the people of Nepal are not averse to welcoming international election observers during the elections is a clear reflection of the desire in the people to elect a new government through holding of a free and fair election. Political parties in Nepal who have often been accused of indulging in rigging and manipulating elections in the past too have come of age and are now increasingly in favour of making the process more accountable and transparent by involving both domestic and international election monitors.

All the above factors, including the challenges points to one thing, that perhaps Nepal is ready to hold the elections on November even it means that a few disgruntled forces have to be left out. Perhaps no electoral process can be fully perfect and all-inclusive, especially in a country that is in going through a process of democratic transition, emerging out of decades of violent conflict. In fact there are reason to believe that the current situation is just about right for elections to be held, which is a major factor for the international community to support the November deadline. It would make little sense to

postpone the elections by a couple of months or more as it is unlikely that the division within the political forces in Nepal, be they for personal or ideological reasons would see a drastic change in the near future. It is also but natural for political parties to hold on to their own opinions, ideologies and agendas. The election commission too has little choice but to conduct timely elections as is prescribed by the law and within the given political arrangement. Therefore, the bottom line is that for elections to happen on time, the existing hurdles have to be overcome, as currently there is no real alternative to polls.

Election observation under the present situation is extremely important and this is clearly reflected in the assessment of the pre-election situation. ANFREL is convinced that an election observation mission under the present circumstances is manageable and is therefore keen on moving forward with its proposal of setting up a mission in Nepal starting early October until the end of November 2013.

For Further Information on the Mission please get in touch with

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