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Preface

Following an invitation from the Interim Government of Nepal, the European Union (EU) established an election observation mission (EOM) to observe the Constituent Assembly election in Nepal on 10 April. The mission’s mandate was to observe all aspects of the electoral process and assess the extent to which extent the election complied with international standards for elections, as well as compliance with Nepalese legislation.

Jan Mulder, who is a Dutch member of the European Parliament, headed the mission in the capacity of being Chief Observer. The EU EOM the core team consisted of nine election experts recruited from five EU states. They arrived on 9 March in Kathmandu to set up and coordinate the mission.

40 long-term observers (LTO) from 15 EU member states as well as Norway and Switzerland arrived in Kathmandu on 22 March. After being briefed centrally by the core team, LTOs were deployed in teams of two throughout Nepal on 25 March.

Close to election day on 10 April, the mission was joined by around 70 short-term observers (STO) from EU members states, Norway and Switzerland; the European Parliament; and locally recruited STOs from foreign embassies in Kathmandu.

Four Norwegian LTOs were recruited to the mission by NORDEM: Magnild Norgård (deployed to Surkhet, Dailekh and Jajarkot districts); Frode Strønen (Myagdi, Baglung); Bror Gevelt (Sindhulpalchok, Kabre Palanchok and Dolkha); and Jeremy Franklin (Narayani area).

Furthermore, six Norwegion STOs were recruited by NORDEM: Hilde Kjøstvedt (Syangja district), Berit Lindeman (Siraha), Jannike Syse (Palpa and Gulmi), Espen Pettersen (Morang), Tom Røseth (Sunsari) and Tom Fr. Vold (Ilam).

The main purpose of this report is to present the findings of the Norwegian observers. Their findings generally corroborate those of the EOM as represented in the mission’s interim report and the Preliminary Statement published on 12 April 2008.

The Norwegian Centre for Human Rights/NORDEM
University of Oslo
June 2008

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1 The Narayani area covers 5 districts: Parsa, Bara, Rautahat, Makwanpur and Chitwan.
**Acronyms and Abbreviations**

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<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
<th>Description</th>
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<tbody>
<tr>
<td>AoR</td>
<td>Area of responsibility</td>
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</tr>
<tr>
<td>APO</td>
<td>Assistant Polling Officer</td>
<td></td>
</tr>
<tr>
<td>CA</td>
<td>Constituent Assembly</td>
<td></td>
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<tr>
<td>CAC</td>
<td>Constituent Assembly Court</td>
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<tr>
<td>CDO</td>
<td>Chief District Officer</td>
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<tr>
<td>CoC</td>
<td>Code of Conduct</td>
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<tr>
<td>CPN-M</td>
<td>Communist Party of Nepal – Maoist</td>
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<tr>
<td>CPN-UML</td>
<td>Communist Party of Nepal – United Marxist-Leninist</td>
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<tr>
<td>CRO</td>
<td>Chief Returning Officer</td>
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<td>DEO</td>
<td>District Election Officer</td>
<td></td>
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<td>DSP</td>
<td>District Superintendent</td>
<td></td>
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<tr>
<td>EC</td>
<td>Election Commission</td>
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<td>EOM</td>
<td>Election Observation Mission</td>
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<td>EU</td>
<td>European Union</td>
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<tr>
<td>FPTP</td>
<td>First Past The Post</td>
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<tr>
<td>IC</td>
<td>Interim Constitution</td>
<td></td>
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<tr>
<td>IG</td>
<td>Interim Government</td>
<td></td>
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<tr>
<td>LTO</td>
<td>Long-term observer</td>
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<tr>
<td>MPRF</td>
<td>Madhesi People’s Right Forum</td>
<td></td>
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<tr>
<td>NC</td>
<td>Nepali Congress party</td>
<td></td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<tr>
<td>NORDEM</td>
<td>Norwegian Resource Bank for Democracy and Human Rights</td>
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<tr>
<td>NSP</td>
<td>Nepal Sadbhavana Party</td>
<td></td>
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<tr>
<td>PLA</td>
<td>People’s Liberation Army</td>
<td></td>
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<tr>
<td>PO</td>
<td>Polling Officer</td>
<td></td>
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<tr>
<td>PR</td>
<td>Proportional representation</td>
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<tr>
<td>PS</td>
<td>Polling Station</td>
<td></td>
</tr>
<tr>
<td>RO</td>
<td>Returning Officer</td>
<td></td>
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<tr>
<td>RPP</td>
<td>Rastriya Prajtantra Party</td>
<td></td>
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<tr>
<td>RPP-Nepal</td>
<td>Rastriya Prajtantra Party - Nepal</td>
<td></td>
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<tr>
<td>SP</td>
<td>Sadbhavana Party</td>
<td></td>
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<tr>
<td>SPA</td>
<td>Seven Party Alliance</td>
<td></td>
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<tr>
<td>STO</td>
<td>Short-term observer</td>
<td></td>
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<tr>
<td>TLMP</td>
<td>Terai Madhesi Loktantrik Party</td>
<td></td>
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<tr>
<td>UNMIN</td>
<td>United Nations Mission in Nepal</td>
<td></td>
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<tr>
<td>VDC</td>
<td>Village Development Committee</td>
<td></td>
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<tr>
<td>VEV</td>
<td>Voter Education Volunteer</td>
<td></td>
</tr>
<tr>
<td>YCL</td>
<td>Young Communist League</td>
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</tbody>
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Map of Nepal
Introduction

The 10 April 2008 election to the Constituent Assembly (CA) was the first democratic election to be held since 1999 as local elections scheduled for 2002 and the general election scheduled for 2004 were cancelled due to failed negotiations between the CPN-M (Maoists) and the government.

The CA election was initially planned for April 2007. However, disagreements among the seven-party alliance (SPA) and CPN-M over security sector reform, management of arms, the future of the monarchy and proclamation of Nepal as a republic resulted in the election being postponed three times, first in April, then in June and then again in November 2007 when the CPN-M left the interim government (IG) in protest of the SPA leadership not agreeing to the party’s demand for immediate abolition of the monarchy and the introduction to a proportional election system.2

Moreover, during 2007 a series of protests and demonstrations organized by Madhesi and Janajati ethnic groups demanding fairer representation in political structures according to their share of the population3 led to a number of killings of protestors at the hands of the government security forces. In response to the above demands, the government decided to increase the number of electoral first past the post (FPTP) constituencies, especially in the Terai region.

In February 2008 an alliance of key Madhesi parties known as the United Democratic Madhesi Front threatened to interrupt election preparations and imposed a total shutdown in the Terai region, blocking the main supply routes to Kathmandu. Agreements made with these groups on 29 February and 1 March resolved the conflict and preparations for the 10 April CA election resumed.

In its press release of 12 April the EU EOM stated:

“The CA election represents a crucial step towards an inclusive democracy in Nepal and has so far met several international standards. On election day polling went smoothly overall, despite a limited number of cases of violence and attempt to disrupt the poll leading to the cancellation of voting in some polling stations. By contrast, the campaign period was tense across the country and marred by incidents of intimidation and violence.”

The EU EOM Preliminary Statement published on 12 April further concluded that:
The CA election was organized in a professional and transparent manner and witnessed high voter turnout demonstrating popular support for constitutional reform;

Voting was generally organized in a peaceful and orderly manner and polling was assessed as very good or good in 89 per cent of polling stations visited by EU observers. Polling staff was witnessed to be committed, efficient and generally well trained in most polling stations visited;

---

2 The CPN-M rejoined the IG in December 2007 after the government passed a bill to declare Nepal a “federal democratic republic”.

3 Madhesi people, predominately living in the Terai region of Nepal, make up some 40% of the total population.
In general the legal framework provided for a democratic and inclusive election process in line with international standards and also included several improvements to the election legislation to provide comprehensive and detailed provisions for the conduct of the election. However, the legal framework still has a number of shortcomings, such as a lack of a consolidated election act, unclear provisions for the publication and display of results and a lack of clarity in the mechanisms for appeals;

The Election Commission operated as an independent and integral body and conducted its work in a transparent manner, consulting parties and other stakeholders on key issues. Logistical and technical preparations were generally carried out in an effective manner and according to the prescribed electoral deadlines. The EC did however fail to fully enforce the Code of Conduct in light of numerous breaches during the campaign period;

The most recent voter registration effort took place in January – February 2007, increasing the total number of voters to 17.6 million. However, voters who attained the age of 18 after the close of registration on 15 December 2006 were not included in the voter lists and thus were deprived the opportunity to vote in the CA election;

The campaign environment was characterized by a high degree of tension leading to campaign activities being restricted in some areas. There were numerous incidents of violence and clashes between cadres of political parties. This contributed to a general atmosphere of fear and intimidation that at times seriously undermined the right to campaign freely;

The media covered the campaign extensively and freedom of speech was largely respected. However, there were instances where media representatives experienced pressure from parties to receive more coverage. Furthermore, the campaign period witnessed a number of assaults on journalists, including one kidnapping;

There were no overtly restrictive requirements for candidates to stand for election and a total of 9,648 candidates contested 601 parliamentary seats where 240 were contested on a first-past-the-post electoral system, 335 according to a proportional system and the remaining 26 seats were to be appointed by the new interim government;

The Election Commission conducted an ambitious voter education programme complemented by civil society organizations involved in awareness-raising around the election. Nonetheless, the level of awareness among the electorate of the CA election remained insufficient;

Up until election day around 230 formal complaints were submitted to the Election Commission. Most complaints were related to partisan government employees, misuse of state resources and electoral violence. In cases where breaches of the Code of Conduct were confirmed by the Election Commission no sanctions were applied against offenders. Relevant court bodies invariably rejected appeals to decisions of the Election Commission.

The findings of the Norwegian observers generally corroborate those of the EU EOM as a whole. The following trends in this LTO’s area of responsibility (Narayani) should be mentioned:

The election administration carried out its duties in an orderly and professional manner and appeared to be well prepared for the election. It was also very forthcoming towards LTOs. However, in some districts the volatile security situation limited representatives
of the election administration at the higher levels to freely operate throughout their districts, confining them to the district centres.

In the urban areas main parties and candidates conducted very active and visible campaigns and except for royalist parties, parties were reportedly able to freely campaign throughout the districts and constituencies. Electoral contenders mainly conducted door-to-door canvassing of voters involving small units of activists.

During the pre-election period the campaign atmosphere was tense throughout the LTOs’ AoR: In Chitwan cadres from the Young Communist League (YCL)\(^4\) reportedly clashed a number of times with activists of the CPN-UML and RPP, allegedly attacking and evicting activists from the latter party from some of the district’s more distant villages. In Parsa, Bara and Rautahat districts the actions of certain underground armed groups, including numerous bomb attacks and calls for *bandhs* (shut-downs), had an intimidating effect on both voters and polling staff.

On election day voting took place in a calm and orderly atmosphere and procedures were generally adhered to. However, it is reasonable to believe that the role of party agents in some cases resulted in undue influence on voters, which might have jeopardized the secrecy of the vote.

In three Village Development Committees in two districts, re-polling was ordered for 15 April due to serious disruption of polling by ‘unidentified groups’. Re-polling at the affected polling stations was conducted in a calm atmosphere with a massive presence of security forces.

Counting observed got off to a chaotic start, but once returning officers and party representatives had agreed on the premises it proceeded smoothly and was transparent and inclusive.

Very few formal complaints were lodged in the LTOs’ AoR, both due to lack of confidence in complaint-handling bodies and failure of those bodies to review complaints. The LTOs in Narayani are aware of results for two FPTP races being contested and brought to the Constituent Assembly court in Kathmandu.

### Political Background

#### Historical Overview

Nepal had its first taste of democratic rule in 1950 when the Nepali Congress party (NC) with backing from India overthrew the royal Rana rule and established the first democracy with a quasi-constitutional rule where the King ruled the country together with leaders of political parties. A royal *coup d’etat* in 1959 saw King Mahendra take absolute control over the country and political parties were banished and forced to operate underground.

In 1990 the absolute monarchy came to an end when leftist parties in the ‘United Left Front’ joined forces with Nepali Congress and launched a series of strikes and mass

\(^4\) The YCL is the youth branch of the CPN-M (Maoists).
protests (Jan Andolan) to restore democracy in Nepal. However, once democracy was reintroduced, constant political disagreement and corruption led to frequent changes of government and poor governance. The 1994 general elections saw the ruling NC be defeated by the United Marxist-Leninist party (CPN-UML) – one of many leftist parties that arose during the transition to democracy. However, another leftist party, the CPN-M (Maoists) was excluded from taking part in government and soon after initiated a campaign of retribution against NC, advocating a ‘People’s War’ with demands for a communist republic, abolition of the monarchy and a new constitution.

In 2001, King Birendra and many of his relatives were massacred by his own son Prince Dipendra, and Dipendra’s brother Gyanendra replaced the slain King. In 2002 King Gyanendra sacked the Prime Minister and in its place established a Council of Ministers under the King’s authority. A state of emergency was declared, suspending fundamental human rights, and the army was mobilized to deal with the Maoist uprising.

February 2005 saw the King overthrow and take control of the government, imposing direct rule. The security situation deteriorated further as Maoist insurgency gained strength in rural districts and violence intensified in the hands of both Maoists and government military forces. Concern over international humanitarian law and international human rights violations led to the UN OHCHR establishing a large field presence in Nepal in 2005 to monitor the human rights situation.

In November 2005 a Seven Party Alliance (SPA) between the largest parties and the Maoist leadership was established. Pressure mounted on the King and the SPA organized a second mass uprising, Jan Andolan II that took place in April 2006. The mass demonstrations forced the King to cede his direct rule and a democratic government was formed. That same year saw peace negotiations with the CPN-Maoists take place, which resulted in an agreement being signed between the SPA and the Maoists that formally ended the decade old armed conflict. The Maoist later joined the government in January 2007.

Main Political Parties

Following the peoples’ uprising in 1990, political parties were again legalized and now operate freely in Nepal. There is a high number of registered parties in Nepal, but only a handful of larger parties with a nation-wide outreach have been able to play an active role in political decision-making processes, such as the Nepali Congress and CPN-United Marxist-Leninists. Nepalese political parties tend to be characterized by traditional hierarchical societal structures and are seen to lack internal party democracy and transparency (the exception being CPN-UML) with powers being vested in the party leadership at the top.

The political landscape since 1990 has been characterized by schisms and fragmentation within political parties, especially regarding leftist parties that once were members of the United Left Front that was so instrumental in the first popular uprisings. For instance, no fewer than eight parties bearing the name ‘Communist Party of Nepal’ (of different orientation) contested the 10 April polls. Also the NC experienced a severe factional

---

5 The SPA comprises the Nepal Congress; CPN-Maoists; CPN-United Marxist-Leninists; Nepal Saddhavana Party – Aanandada Devi (NSP-A); People’s Front Nepal; Nepal Workers and Peasants Party; and United Left Front. Prior to the peace process in 2006, the SPA did not include the CPN-M, but included both factions of the NC before they reunited in 2007.
conflict in the late 1990s that split the party in two. The two parties were again united in 2007. Likewise, in 1997 the royalist RPP split into two parties, later into three and did not unite for the election.

**Nepali Congress Party (NC)**

The Nepali Congress party was formed in 1946 and is Nepal’s oldest party. Since democracy was first introduced in Nepal in 1950 NC has held nearly all of the country’s prime minister posts. The current Prime Minister Girija Prasad Koirala heads the party. Although NC has played a significant role in Nepal’s struggle for democracy and has been able to endure, defections and factionalism has weakened the party over time and it was defeated by the CPN-UML in the 1994 general elections. NC is perceived as a centre-right party and supported until recently the institutions of constitutional monarchy and parliamentary democracy. After the royalist takeover in 2005 the NC adopted a resolution to no longer support the constitutional monarchy. In front of the 10 April election the NC currently held 132 parliamentary seats.

**Communist Party of Nepal - United Marxist-Leninist (CPN-UML)**

The CPN-UML was created in 1991 through the unification of the Communist Party of Nepal (Marxist) and the Communist Party of Nepal (Marxist-Leninist). Its leader up until the immediate post-election phase was Madhav Kumar Nepal. The CPN-UML is seen to be the main successor to the Communist Party of Nepal, founded in 1949 and part of the United Left Front alliance active in the 1980s. It has since been the main opposition party in parliament but has also participated in several governments holding the post of Prime Minister in 1994. The CPN-UML’s ideological platform is socialist democratic. In front of the election the party had 83 MPs in parliament.

**Communist Party of Nepal – Maoist (CPN-M)**

The CPN-M was formed following a split in the Communist Party of Nepal (Unity-Centre), under which name the party was known until 1995. In 1996 the party launched a ‘People’s War’ against an NC led government. The People’s War officially ended in 2006 after the Seven Party Alliance, together with the Maoists launched a mass uprising against the King, paving the way for the Comprehensive Peace Agreement that was signed between the government and the Maoists in November 2005. The Maoists base their ideology on the philosophy of Mao Zedong and also draw inspiration from the ‘Revolutionary Internationalist Movement’. Pushpa Kamal Dahal, a.k.a. Prachanda, is chairman of the CPN-M. Prachanda is also ‘Supreme Commander’ of the People’s Liberation Army. The Maoists had 84 MPs in the outgoing parliament.

**Rastriya Prajatantra Party (RPP)**

The RPP is a royalist leaning party that was formed in 1990 by a group of former royalist members of the party-less Panchayat system that was in place between 1959 and 1990. During the past years, the RPP has taken an increasingly pro-democratic stance but it and its splinter parties are still considered to be the most conservative in Nepal. However, RPP opposed the autocratic policies proclaimed by King Gyanendra and applied pressure on the King to accept a multi-party system and negotiate with the main parties.

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6 i.e. Nepali Congress and Nepali Congress (Democratic).
In 1997 RPP split after a pro-monarchy faction headed by Lokhendra Bhd. Chand joined a coalition government with CPN-UML. Together with NC, another RPP faction led by Surya Bhd. Thapa later toppled that government. The two factions united again in 1999, but beginning in 2005 the party split into three parties: RPP, RJP (S. Thapa) and lastly RPP-Nepal led by Kamal Thapa. RPP has remained in opposition, while extending unqualified support to the government in peace negotiations with the Maoists. The party has no seats in the outgoing parliament.

The Terai-based Madhesi Parties

The Terai area broadly denotes Nepal’s districts in the south that border with India. Madhesi people, who represent around 40 per cent of Nepal’s population, dominate the area. They have long been excluded from Nepal’s main political and development processes. In response the Nepal Sadbhavana Party (NSP) was established in 1985 to advocate the rights of the Madhesi community. A number of other Madhesi parties were later founded, demanding autonomy and self-determination for its people and drawing attention to the neglect and poor situation of the marginalised Madhesi groups. The Madhesi parties appeal to the Terai-based populations and several of their current leaders have defected from the NC.

Madhesi People’s Right Forum (MPRF)

The MPRF was formed in 1997 as a civil society organisation and later transformed into a political party. It pioneered mass Madhesi protest in the southern Terai region in 2007. The protests succeeded in drawing government and international attention to the troubles and demands of the Madhesi peoples. The MPRF formed an alliance with two other key Madhesi parties, NSP (A) and TMLP but for the CA election the three ran as separate parties.

The MPRF advocates an inclusive, autonomous, federal democratic country, with right to self-determination and proportional representation of the country’s citizens in all state organs, and promotes complete autonomy for the Terai. The party is chaired by Upendra Yadav.

Nepal Sadbhavana Party (NSP)

In 1985 Gajendra Narayan Singh founded the NSP. The NSP has taken part in several coalition governments. Following his death in 2003, the party split in two, one wing led by Singh’s widow Ananda Devi Singh, which was known as NSP (Ananda Devi). In 2007 the two parties reunited as NSP (A) under the leadership of Mrs Ananda Devi Singh, but split again in October 2007 when the Minister of Industry, Commerce and Supply, Mr Rajendra Mahato and the party’s vice-Chairman Mr Laxman Lal Karna broke away from the NSP (A), forming the Sadbhavana Party (SP).

The NSP (A) works for Madhesi rights and fights for the interest of Madhesi community. The party has six MPs in the outgoing parliament.

Terai Madhesi Loktantrik Party (TMLP)

The TLMP was formed at the end of 2007. Its President is Mr Mahantha Thakur, an influential Madhesi politician and former leader of NC.
Election System

The Interim Constitution provides for the creation of a 601 member Constituent Assembly (CA). 575 members are directly elected while the CA Council of Ministers appoints 26 after the election from distinguished persons and indigenous groups.

Nepal operates a mixed electoral system for the election of the members of the Constituent Assembly. The First Past The Post (FPTP) system is used to elect 240 CA members from 240 electoral constituencies and a Proportional Representation (PR) system is used to elect the other 335 directly elected members. Thus, on election day, each voter cast two ballots: on for the FPTP component and one for the PR component.7

First Past the Post election (FPTP)

As a result of the uprisings in the southern Terai districts where the Madhesi community demanded that their population weight must be reflected in their representation in the Constituent Assembly, the Interim Parliament on 18 February 2007 adopted the first amendment to the IC, providing for representation in the CA to reflect demographic patterns. An Electoral Constituency Delineation Committee was set up to review constituency boundaries according to population and geographical diversity. As a result the number of constituencies was increased from 205 to 240. The 35 new constituencies were added in 25 of 75 districts, of which most are situated in the Terai area.

Candidates running in FPTP constituencies can be representatives of political parties or run as independents. The candidate garnering the most votes is the winner. Candidates are allowed to compete in up to two constituencies and should a candidate win in both constituencies, he/she chooses the one he/she wishes to represent, while a by-election is held in the other constituency.

Proportional representation election (PR)

For the proportional election the whole of Nepal is considered one electoral constituency. Only political parties registered with the Election Commission can stand for election under the PR system. Each party had to submit a list of candidates to the Election Commission by 20 February 2008 for the party's symbol to be displayed on the PR ballot.8 The candidate lists were 'closed', meaning that a voter casts a vote for his/her preferred party but does not have any control with which candidates are selected by the party chairmanship to the Constituent Assembly after results are known. There is no threshold for party representation in the CA and seats are distributed among parties according to their proportional share of the total number of votes cast, using the modified Saint Laguë formula.

Quota requirement

Political parties submitting PR candidate lists to the Election Commission are required to ensure a certain representation of women, Dalits, other oppressed castes and/or indigenous groups, backward regions, Madhesis and others. The Election Commission may reject lists that do not comply with the quotes and the party must make corrections.

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7 The exception being Temporary Polling Stations located in security force and military camps (incl. the PLA cantonments), prisons etc. where voters only cast the PR ballot. Likewise for polling staff and security personnel assigned to a specific polling station.

8 On both the FPTP and PR ballots, only party/candidate symbols were indicated.
and resubmit its list within ten days. Candidate lists must cover at least 10 per cent (i.e. 35 candidates) of the 335 seats to be elected under the PR system and must be made up of at least one-third female candidates. Parties submitting lists covering more than 30 per cent (i.e. >101 names of candidates) of seats to be elected must in addition adhere to the following quota requirements:\footnote{According to the Constituent Assembly Members Act, 2007.}

<table>
<thead>
<tr>
<th>Group/Region</th>
<th>Women</th>
<th>Men</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dalits</td>
<td>6.5%</td>
<td>6.5%</td>
<td>13%</td>
</tr>
<tr>
<td>Oppressed groups/Indigenous groups</td>
<td>18.9%</td>
<td>18.9%</td>
<td>37.8%</td>
</tr>
<tr>
<td>Backward regions*</td>
<td>2%</td>
<td>2%</td>
<td>4%</td>
</tr>
<tr>
<td>Madhesis</td>
<td>15.6%</td>
<td>15.6%</td>
<td>31.2%</td>
</tr>
<tr>
<td>Other groups</td>
<td>15.1%</td>
<td>15.1%</td>
<td>30.2%</td>
</tr>
</tbody>
</table>

* Comprises 9 districts: Acham, Kalikot, Jajarkot, Jumla, Dolpa, Bajhang, Bajura, Mugu and Humla.

In addition, to accommodate to demands from marginalised and indigenous groups,\footnote{E.g. Janajatis and the Indigenous Joint Struggle Committee.} but lacking legal provisions it is generally understood that ethnic groups that fail to win any seats will be allotted one of the 26 CA member seats appointed by the Council of Ministers.

The Legislative Framework

The legal framework regulating the Constituent Assembly (CA) election consists of several pieces of legislation:

- The Interim Constitution of Nepal (15 January 2007, as amended);
- Universal Standards for Elections;
- The Election of Members of the Constituent Assembly Act (22 June 2007);
- The Act Relating to Electoral Rolls (29 December 2006);
- The Law on the Functions, Duties and Powers of the Election Commission (26 March 2007);
- The Election Offences and Punishment Act (26 March 2007);
- The Constituent Assembly Court Act (17 August 2007)

Since its adoption by Parliament on 17 January 2007 Nepal’s Interim Constitution (IC) has been amended three times: On 18 February to establish an Electoral Boundary Delineation Committee; on 14 June, \textit{inter alia}, increasing the number of constituencies to 240; and on 28 December 2007 to establish the political character of the country by stating that Nepal is a republic,\footnote{This needs to be ratified by the new Constituent Assembly.} to amend the number of members to be elected to the...
CA and to establish a new deadline for the conduct of the Constituent Assembly elections set for mid-April 2008.

The IC guarantees universal suffrage for all citizens of Nepal aged 18 years and above. Nepalese citizens who have attained the age of 25 years and without prior conviction of a criminal offence may run as candidates. Furthermore, the freedom of opinion and expression, formation of political parties and association, rights to equality and prohibition of discrimination are all included in the IC.

The IC stipulates that the CA is tasked with formulating a new constitution. The CA will sit for a two-year period and the first session will take place 21 days after the publication of election results by the Election Commission of Nepal. To pass an article at least two thirds of the CA members must be present and the vote taken unanimously. If an article fails to pass, leaders of parties with seats in the CA must reach consensus within 15 days whereby a new vote is taken in the CA with no less than two-thirds of the members present, of which two-thirds must vote in favour for the article to be adopted.

In its Preliminary Statement issued on 12 April the EU EOM noted that the legal framework generally provided for a democratic and inclusive election process in line with international standards. The Interim Parliament and the Election Commission introduced numerous improvements to the legal framework to provide detailed and comprehensive provisions for the conduct of the election.12

It was noted, however, that the legal framework also contained a number of shortcomings, such as the absence of one consolidated legal document regulating the election. Presently, the electoral legal framework is highly fragmented and therefore lacks clarity. Moreover, the use of closed party lists for the proportional component of the election from which parties after the declaration of results are able to select the winning candidates lacks transparency and dilutes the relationship between voters and elected representatives. Furthermore, the legal framework does not specify which groups the ‘others’ category in the quota system should include and as such might undermine the intention of the IC to reserve this category for underprivileged groups not represented in the other quotas.13

According to the EU EOM, other areas that lacked clear legal guidelines included absence of provisions for special needs voting for migrant workers, internally displaced persons and physically incapacitated voters unable to access polling stations.

In the LTOs’ AoR (Narayani) the election administration appeared to have good knowledge of the electoral framework and all Returning Officers (ROs) were recruited from the judicial sector. Without exception Chief Returning Officers were judges drawn from district courts.

Very few formal complaints were lodged with appropriate bodies and this might suggest that political stakeholders were insufficiently aware of legal provisions dealing with

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12 Improvements included introduction of rules for campaigning, legal measures for handling of complaints and the introduction of a quota system to secure representation for women and marginalised groups.

13 Election of the Members to the Constituency Assembly Act, Schedule 1.
complaints procedures. In other instances parties expressed lack of confidence in the complaints handling process and therefore saw no point in submitting formal complaints.

The rights and duties of party and candidate agents, such as stipulated in Chapter 7 of the Regulation to the Election of Members to the Constituent Assembly (2007) should be more clearly defined and regulated. Although party agents have the right to assist in the conduct of polling, such as checking for voters’ entries in the voter lists, it could be argued that this assistance could have contributed to undue pressure on voters to vote in a certain way. More significantly, on election day voters at a majority of polling stations observed would first approach party agents outside the polling premises who issued them voting slips containing voters’ names and serial numbers. These slips were then presented to party agents manning the voter lists inside the polling station, suggesting that party agents could control how voters voted, breaching the secrecy of vote.

The observed handover of ballot boxes to Returning Officers (RO) was chaotic and lacked transparency. Furthermore, in this district counting got off to a slow start due to poor management by ROs and objections to stipulated counting procedures raised by party agents. Consequently, the EC should enforce better handover routines, limit the role of party agents during counting and strengthen the authority of the ROs.

The Electoral Administration

The Election Commission (EC)

The structure and responsibilities of the Election Commission of Nepal are stated in the Interim Constitution and the Law Relating to Functions, Duties and Powers of the Election Commission. The Commission has wide-ranging competences, such as to develop and enact regulations, rules, directives, codes of conduct and manuals to complement and implement legal provisions. It is responsible for organising and conducting elections and referenda, and is in charge of maintaining voter lists, registering political parties and developing voter education programmes.

The EC’s five members were appointed in the second half of 2006 by the Prime Minister for a six-year term upon the recommendation from the Constitutional Council. The EC holds regular meetings with political parties and other stakeholders to ensure a reasonable level of transparency and dialogue.

District Election Officers (DEO)

District Election Officers were appointed to each of Nepal’s 75 districts by November 2007 when the CA election last was postponed. They function as the district representatives of the EC and have the following responsibilities: maintain and update voter lists; disseminate voter ID cards; arrange for safe storage facilities for election material; report to the EC on adherence to the Code of Conduct; conduct necessary investigation according to the EC’s directives; prepare voter lists and submit them to the...
EC; conduct voter education measures in coordination with the EC and other districts; and maintain record of polling centres within the district.

Returning Officers (RO)

There are 240 Returning Officers, one for each electoral constituency, who were seconded by the judiciary in November 2007. The RO is the chief electoral official of a constituency. In districts with more than one constituency a Chief Returning Officer (CRO) (who at the same time is a RO for one of the constituencies) is appointed as coordinator between constituencies.

ROs have the right to accept or reject FPTP candidate nomination papers, validate or invalidate ballot papers and to declare vote-counting results. Other functions include to appoint and assign Polling Officers (PO), Assistant Polling Officers and other polling staff (volunteers) and provide training for POs and their assistants; provide polling staff with all election material (including sensitive material); be responsible for polling on election day; securely store ballot boxes upon delivery after polling; identify and manage counting location and appoint Counting Officers; declare results and submit them to the EC.

The EU EOM assessed that the Election Commission acted as an independent body with integrity and competence. It consulted political parties and other stakeholders on key issues demonstrating flexibility and transparency. However, EU observers were granted limited access to meetings of the EC and as such were not able to observe the decision-making process at the Commission. Logistical and technical preparations were completed in an effective manner and the EC adhered to deadlines specified in the election calendar.

In Narayani DEOs and ROs generally appeared knowledgeable and conducted their work in an independent, timely and efficient manner. All were very forthcoming towards LTOs. Candidates and parties generally expressed faith in the integrity and efficiency of ROs and DEOs.

The level of cooperation between the DEO, (C)ROs and the public administrative structure, such as Chief District Officers appeared to be good, especially regarding security related issues.

Although the electoral administration visibly lacked adequate office infrastructure, such as suitable and sizeable premises and experienced frequent power cuts they were able to carry out their duties in accordance with stipulated timelines.

Due to the security threat posed by armed underground groups in the Terai who opposed the CA polls, DEAs and ROs in one district were confined to their office premises in the district centre and were not able to travel the district and constituencies without armed police escort. It is reasonable to believe that these circumstances to a certain degree impeded on the duties of the election administration.

Polling Officers (PO) and Assistant Polling Officers (APO) were recruited from public services based on lists provided by Chief District Officers and were appointed by ROs after having undergone training. The percentage of female POs/APOs appeared to be negligible; the DEO in Bara district for instance reporting that less than 20 (out of 978 in total) were women.
Training of POs and APOs in Parsa district was witnessed to be thorough and comprehensive. Polling staff raised concern over the security situation and raised several questions related to security plans for the polling centres, possibility of attack by underground, armed groups and security for voters.

Voter and Civic Education

It is the duty of the Election Commission to facilitate and conduct voter awareness programmes. In coordination with the EC it is the DEOs’ responsibility to carry out these programmes in the districts, together with different government offices, non-government offices and civil society organisations.

The EU EOM noted that the Election Commission delivered an ambitious voter education programme with assistance from UNMIN and other representatives of the international community. The programme was delivered in all 75 districts by a large number of Voter Education Volunteers (VEV). The state-sponsored initiative was complemented by a broader campaign facilitated by civil society organisations. Despite these extensive efforts, the EU EOM assessed that voter awareness of the CA election remained insufficient.

In the LTOs’ AoR a voter awareness programme was carried out by VEVs in all village development committees (VDC), and was complemented by NGO projects funded by donors. For instance, in Bara district 205 volunteers trained by the DEO’s office visited all villages, going door-to-door, disseminating voter invitation cards and explaining the voting process to voters, sometimes in larger assemblies. They also posted voting procedure posters. One such volunteer told LTOs that on average she would meet with 300 people per day, but that voters had difficulties understanding the rationale behind casting two ballots.

It is the LTOs’ impression that due to the complexity of the CA election voters were insufficiently aware of the nature of the polls, especially with regard to the combined voting system. Although voters generally knew how to mark a ballot, on election day LTOs were told by polling staff that some voters were confused about the two ballots to be cast. Indeed, during counting a large number of ballots deemed invalid had been marked twice on two different symbols, or were marked with thumbprints.

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15 Art. 37, The Law on the Functions, Duties and Powers of the Election Commission (26 March 2007);
Voter Registration

The Act Relating to the Electoral Rolls (2006) and subsequent regulations issued by the Election Commission describe procedures for updating the voter list, including provisions for inclusion or correction of entries to the voter list. The Act also explains provisions, eligibility and procedures relating to temporary voter lists for civil servants, army and police personnel, prisoners, and polling staff. The Act is complemented by the Electoral Roll Rules (2007), which further details on the process of registration and verification of voters, publication of updated voter lists in VDCs/municipalities, and application process of voters to have their names included or excluded from the voter list of a particular constituency.

The most recent voter registration exercise took place in January to February 2007 and increased the number of registered voters to a total of 17.6 million, an increase of 15 per cent from 2006. Although generally accepted by political stakeholders, the EU EOM noted that postponements of the election during 2007 implied that a number of voters who reached the age of 18 after the last registration drive were not included in the voter lists. Likewise, individuals who acquired citizenship during this period were also disenfranchised.

In different meetings with the election administration, political stakeholders and civil society organisations in the LTOs’ AoR the issue of accuracy and inclusiveness of voter lists was never perceived as being a concern or to have a negative impact on election day. In Parsa district ROs claimed that voter lists were easily available (although not posted in VDCs) and that political parties were involved in checking them.

Party and Candidate Registration

The Interim Constitution guarantees political pluralism and the right to political association. As there is no specific law on political parties, the Election Commission in 2007 issued a regulation on ‘Political Party Registration Rules’ to allow for the registration of political parties on the basis of constitutional powers. The EC regulation details on procedures regarding what kind of documentation a party has to submit to the EC for registration, conditions for party registration followed by the verification process and examination and decision of the EC to register the party. The regulation also contains provisions on non-eligibility and deregistration of parties.

The EU EOM assessed the party and candidate registration process as unrestrictive and inclusive. A total of 3,947 candidates from 55 parties contested 239 out of 240 FPTP seats. Only NC, CPN-UML and CPN-M fielded candidates in all 240 constituencies.

Initially 55 parties filed closed lists for the 335 seats under the PR system, of which seven fielded lists of candidates for all 335 seats. Several parties initially failed to

16 Re-polling was ordered in the remaining one constituency following the death of a candidate.
comply with the quota requirements but only one party was disqualified for not fulfilling the female quota within the seven-day correction period. The EC scrutinized all 6,000 candidates on party lists for eligibility and removed 285. Out of these 111 were contained in lists submitted by RPP and RRP-N, a majority of which did not fulfil the citizenship requirement or were found to be underage.

LTOs were deployed too late to observe party and candidate registration but were made aware of a number of withdrawals by FPTP candidates by the deadline 9 March. The most common reason for rejection of candidates after examination of eligibility by ROs was failure to fulfil age and citizenship requirements. Observers were not told of any instances where rejected candidates appealed the decisions of ROs and political parties reportedly did not experience any obstacles in the nomination process.

The nomination of FPTP candidates was generally locally driven. Nominees were selected from constituencies and proposed to the district party leadership. Names of proposed candidates were then forwarded to parties’ central committees who would make the final decision. Criteria applied to the nomination and selection of candidates included family background, previous merits and popularity and familiarity, in addition to the legal requirements.

The Election Campaign

Provisions regulating the electoral campaign are included in the Code of Conduct (CoC) issued by the Election Commission in 2007. It is binding for all electoral stakeholders, including governmental/semi-governmental bodies, election officials, and political parties/candidates as well as public and private media. The CoC contains a comprehensive set of enforceable rules and regulations, such as prohibition on vote buying, intimidation and violent or obstructive practises and the use of state resources for campaign purposes. It further includes rules governing the conduct of mass meetings, the conduct of mass media and the specific responsibilities of governmental bodies, as well as provisions for sanctions when a candidate has breached the CoC.

Campaign expenditure is regulated in Article 69 in the Law on Functions, Duties and Powers of the Election Commission. The provision specifies expenditure limits for campaign purposes and requires political contestants to maintain records over all expenses incurred during the campaign period.

In the Preliminary Statement the EU EOM noted that parties and candidates were not always able to freely conduct their campaigns due to the lack of law and order and a volatile security situation throughout much of the country. A number of violent incidents occurred as well as clashes between cadres of different political parties.

The campaign environment was characterized by a high degree of tension and during the campaign period nine people, most of whom were CPN-M cadres, were killed. In Surkhet district three more people were killed, including a candidate. Numerous bomb explosions, assaults on candidate and party activists as well as abductions contributed to
a general atmosphere of fear and intimidation that undermined the right to campaign freely.

Moreover, the campaign period witnessed numerous breaches of the Code of Conduct, such as misuse of state resources, vote buying and the display of painted party slogans throughout the country. However, a culture of impunity prevailed and there were only a few cases where police detained perpetrators. The Election Commission failed to react in an appropriate manner in cases of violation of the CoC, adopting a more mediatory approach so as not to inflame an already tense election environment had it imposed sanctions.

Also in Narayani region the campaign atmosphere was tense and precarious. In the hilly areas (Chitwan, Makwanpur) some parties were reportedly prevented from freely campaigning in all VDCs due to the presence and actions of the Young Communist League (YCL). The presence of YCL training camps and demobilized units of the People’s Liberation Army living in cantonments in Chitwan further contributed to the tense environment and from time to time armed PLA would reportedly leave the cantonments to support CPN-M candidates.

In the Terai (Bara, Parsa, Rautahat) parties in general did not encounter any limitations to the freedom of movement and expression. However, the presence and actions of underground, armed groups disrupted campaign activities and spread fear among the population. The LTOs’ duty station of Birgunj town witnessed numerous incidents including socket bomb explosions and calls for general shut-downs (Bandhs) while in Rautahat district a number of people died after an explosion of an improvised explosive device. In Birgunj minutes before the observers arrived, an NC rally was targeted by a bomb that injured eleven people.

In Chitwan district LTOs were made aware of numerous violent clashes between cadres of political parties. The CPN-UML and RPP claimed cadres from the YCL attacked them several times and LTOs saw the aftermath of one such incident between the CPN-UML and YCL where one female activist was seriously wounded and a UML campaign vehicle was destroyed.

It would appear that the royalist-leaning parties in particular experienced difficult campaign conditions, especially in Maoist strongholds. In Chitwan the RPP claimed that its supporters in more remote VDCs were harassed, physically assaulted and forced to flee their villages by cadres of the YCL, while in Makwanpur the RPP-N leader claimed that his activists were intimidated and could not campaign in the interior of the district due to the presence of CPN-M/YCL. Lastly, one prominent RPP candidate in Parsa claimed that his house was searched by armed police without a permit, the aim being to harass and intimidate him.

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17 As claimed by CPN-UML and RPP-N in Makwanpur district, and RPP in Chitwan.
18 More than 4,000 PLA soldiers were encamped in Shaktikhor and Jutpani VDCs.
19 4 such groups decided to form an alliance to disrupt the CA polls, namely the Terai Muki Tiigers, Terai Cobra, Janatantrik Terai Muki Morcha and Samyukta Janatantrik Terai Muki Morcha.
20 For instance, the JTM-RAJAN MUKTI group called for an indefinite bandh from 2 April in protest of the agreement reached between the United Democratic Madhesi Front and the Interim Government.
The campaign seemed mainly to be conducted on a local door-to-door basis involving small units of activists and supporters. The CPN-M, CPN-UML, NC, People’s Front Nepal, MPRF, NSP, TMLP, SP and RPP conducted active and visible campaigns in urban areas using a wide range of means, such as posting small candidate/party posters, holding bicycle and motorbike rallies, activists displaying party flags and donning T-shirts while going door-to-door distributing pamphlets. The extent of campaigning in rural areas was more difficult to ascertain, although parties stated that they also visited remote VDCs.

Except for omnipresent party slogans LTOs did not directly witness breaches of the Code of Conduct during the campaign. Misuse of state resources and/or vote buying was not directly observed and therefore not verified, but the majority of such claims involved the NC party. In Rautahat district LTOs saw campaigning take place one day prior to election day, i.e. during the campaign silence period.

The Media

The right to seek and obtain information is enshrined in the Constitution. Although the 1990 constitution has principally upheld the rights of the print media, it has not devised mechanisms to protect other forms of media, such as audiovisual broadcasting outlets. According to the EU EOM the existing Radio Act and National Broadcast Act are not sufficient in promoting and managing the radio sector since, *inter alia* there are no uniform practises for registering operators of radio stations and the process for obtaining a licence is cumbersome and lacks transparency.

Currently there is no common law for broadcast media in order to better regulate and manage them. Likewise, there are no regulating institutions such as a broadcast authority, to oversee journalists’ abidance to code of conducts. However, the Code of Conduct issued by the Election Commission for the election did include provisions on the conduct of the mass media.

Two state institutions in Nepal regulate the media, namely the Ministry of Information and the Press Council. However, the government institutions are perceived as biased and thus inefficient since the incumbent party controls them. Non-governmental media-regulating institutions include the Association of Community Radio Broadcasters Nepal, the Broadcasting Association for Nepal (for commercial radio stations) and Kathmandu Valley (for community and commercial radio stations in Kathmandu valley.

The print media in Nepal has secured a significant role in the mass media sector. Radio plays a significant role in the dissemination of information, especially among the rural population and currently reaches out to 68 per cent of Nepal’s population. Nepalese television outlets are also influential and in addition to the state broadcaster Nepal Television there is a number of private and local channels in operation.

21 For instance, NC candidates carrying out electrification programmes in Parsa and Makwanpur districts and misuse of state vehicles by NC in Bara district.
The EU EOM media monitoring section conducted qualitative and quantitative analysis of 20 media outlets with a national outreach as well as ten local radio stations to assess their compliance with international standards and Nepalese legislation. It found that freedom of speech was largely respected and that the overall climate for journalists remained relatively good compared to the period that preceded the election campaign. In spite of this there were instances where political parties claiming bias applied pressure on the media to receive more coverage.

Coverage of the campaign by state-owned media was not balanced. Nepal TV devoted a majority of its coverage (39%) to CPN-M, followed by NC (27%) and CPN-UML (17%), while Radio Nepal afforded CPN-M 43 per cent and RPP less than 6 per cent of its news coverage. Likewise Gorkhapatra newspaper devoted 43 per cent of its coverage of the campaign to CPN-M, followed by NC (20%) and CPN-UML (16%). CPN-M was also given most coverage in private broadcasters, receiving a total of 42 per cent coverage in radio stations monitored, while NC and CPN-UML received 22 per cent each and RPP less than 2 per cent. A similar trend was noted in private television channels.

The Election Commission facilitated free airtime on Nepal TV and Radio Nepal for parties to broadcast political messages based on three phases according to which parties were allocated airtime in proportion to the number of candidates they fielded.

None of the media representatives met by the LTOs in Narayani expressed any problems in exercising their profession. However, one radio station stated it had received threats from underground Terai groups to broadcast their anti-government and CA opinions, but it did not comply with the demands.

The LTOs did not monitor media coverage of the campaign in their AoR.

Observation on the Polling Day

The EOM concluded that election day proceeded smoothly across many parts of the country and took place in a calm atmosphere. Voting was generally peaceful and orderly in the 239 constituencies where voting took place and witnessed a high turnout. There were, however, several violent incidents and open attempts to disrupt voting that resulted in cancellation of polling at a number of polling stations and centres.

Voting procedures were positively assessed in 89 per cent of polling stations visited by EU observers. Efficient processing of voters, use of controls and safeguards and the secrecy of vote was rated as very good or good in almost 90 per cent of the polling stations. The general environment was assessed as positive; although observers did observe the presence of political party agents canvassing voters outside the polling

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22 The following media outlets were centrally monitored: TV channels Nepal TV (state-owned), Kantipur TV, Image Channel, Sagamatha TV (all private); radio stations Radio Nepal (state-owned), Kantipur, Ujyalo FM, Nepal FM (all private); newspapers Gorkhapatra (state-owned), Kantipur, Nepal Samacharpatra, The Himalayan Times, The Kathmandu Post, Naya Pratika (all private), Deshantar, Jana Aastha, Nepali Times (private weeklies).
premises or saw non-prescribed filtering of voters. Towards the end of polling observers assessed closing as good or very good in 77 per cent of the polling stations they visited.

**Election Day Observation Report from Syangja by STO Hilde Kjøstvedt**

*Observation prior to election day*

The STO team was deployed to Syangja district (Gandaki province) located in the Mid-Western region.

Before election day the team met with the main contesters, i.e. NC, CPN-UML and CPN-M contesting in the district’s three constituencies and received reports from all three parties regarding sensitive polling centres where problems were anticipated on election day. The parties encouraged the STOs to go there and check the situation. Representatives from the parties accused each other of attempts of vote buying, threats to candidates and voters, and plans for so-called “booth capturing” in certain locations. The team travelled to some of the accessible locations and spoke with voters. The general impression was that nobody anticipated any problems, although they had heard of instances of vote buying and booth capturing taking place during previous elections. Voters were satisfied with voter education measures, most of which had been undertaken by the major parties.

The CPN-M in particular accused the police, civil servants, domestic observers and senior election officials of not being impartial. The STOs met the CPN-M female candidate in one constituency who said that as a female candidate she had not experienced any difficulties during her campaign; her problems were related to her being a CPN-M candidate; the day before election day the team was told that one of her bodyguards had been shot and injured by the police.

The STOs observed campaigning in the form of motorcycle rallies, parades and speeches in all three constituencies. Campaigning was calm and dignified and all parties observed the 48-hour campaign moratorium.

The team also met with domestic and international observer groups, security personnel, district officials, polling staff, and voters. They all claimed that Syangja district was calm and that there had been no major incidents and no complaints filed during the campaign period. The team observed the distribution of election material to polling stations. The material was accompanied by security personnel and polling officers. No problems were reported in relation to this.

*Observation of opening*

At 06:30 when the STOs arrived nine polling staff were present, together with a number of domestic observers, party agents and two police officers. All were wearing accreditation badges or uniforms and thus easily identifiable. The polling officer (PO) was very busy and did not allow the team to enter the station until after the polling had commenced, but as the polling station was located in the open, this did not hinder observation. The team saw that the voter list (VL) was displayed on a wall at the polling location, but three groups of party agents representing the three main parties also had voter lists. Voters consulted them to find their names on the VL and were given a paper slip with their name and the polling station number. The slip was later presented to polling staff inside the PS. This was observed at all polling stations visited but neither polling staff, voters, nor domestic observers objected to this practice.
Voting commenced at 07:15 and was carried out efficiently. The PO followed all the prescribed opening procedures and confirmed that she had received all the essential electoral material.

**Observation of polling**

The STO team observed polling at five polling stations (PS) and prioritised visiting some more remote polling stations. At all stations, the PO reported that polling had commenced on time. Before noon, the queues outside the PSs consisted of 100-150 persons, whereas in the afternoon, no significant queues were observed. None of the PSs had voter lists on public display. The team did not observe any campaign material in the vicinity of the polling locations.

Polling staff, observers, party agents and police officers at the different PSs were predominantly male. In general the polling staff appeared to be knowledgeable and aware of polling procedures. Voters who had not fully understood the voting process or who otherwise were in need of help received assistance.

At one PS, the team observed that there were two unaccredited men present. When the STOs asked the PO, they were told that the men were party agents representing the NC. When the team asked why they did not have any accreditation, the PO told the two men to leave the PS, which they did. A few minutes later the NC candidate for that constituency arrived with a rather large entourage. He told the observers that he was travelling around the constituency to show his presence and to make sure the voting was conducted according to regulations.

At another PS, the PO told the team that approximately 20 voters had tried to vote several times. According to the PO they had been CPN-UML supporters. Although police had dealt with the situation, the PO was worried that there would be more tension due to 50 young men loitering outside the PS and had called for extra police. The team however, left before the police arrived as the PS was remote and darkness was approaching.

**Observation of closing and transfer**

The team arrived at the closing PS at 16:40. There were no voters in queue, so the PO had prepared all the necessary documents and envelopes and closed the PS on time. Domestic observers were present and party agents and polling staff cooperated in signing the documents and sealing the envelopes. The process was carried out in a peaceful manner.

The election material was first transported on foot to the nearest police headquarters, accompanied by the PO, additional polling staff, police, party agents and the STO team. At the police station, the materiel was loaded onto a truck, which did not leave for the counting centre in Syangja before it was full. All the POs, and one party agent from each party, were allowed to ride on the truck with the materiel, and security personnel accompanied the vehicle to Syangja. The team followed by car and saw that the materiel was handed over according to procedures at the counting centre.

**Observation of counting**

Counting commenced on 11 April. The team was told that ballot boxes from all PSs had arrived by 02:30 on 11 April. Before the counting could begin, an all-party meeting was held in order for all to agree on the counting procedures and on how to declare ballot papers invalid.
At 13:00 counting of FPTP votes from constituency #1 begun. Four hours later, constituency #2 commenced, and counting of the votes from constituency #3 began around 20:00. Counting took place at two different locations, both heavily guarded by armed and unarmed police. Although a lot of people gathered, the atmosphere was calm.

Despite having reached an agreement at the all-party meeting, discussion arose when counting began over how many ballot boxes were to be opened and counted simultaneously. The Chief Returning Officer presented himself and after having discussed the matter with the counting teams and the party agents, it was resolved that at least two ballot boxes had to be opened and counted together. The counting proceeded somewhat slowly in the beginning but by mid-afternoon, the pace had picked up and between two and four counting teams counted the ballots from each constituency.

The counting was not completed at the time the STOs left the district on 12 April. By then it was however, clear that the NC candidates led by a wide margin in constituency 1 and 2.

Election Day Observation Report from Siraha by STO Berit Lindeman

Regional background

The STO team was deployed to the central-eastern part of the Terai, to the district of Siraha in Janakpur region. The district borders India in the south and is a mainly agricultural area with some industry. The number of registered voters in the district was 434,353 in six constituencies and a total of 509 polling stations in 210 polling locations had been established for the elections. Situated in the Terai, the population largely belongs to the Madhesi group, which makes up approximately one third of Nepal’s population. The three main groups of Madhesi in Siraha district are Mithila, Bhojpur and Awan. The main language is Maithili, which is close to Hindi.

Ahead of the elections, the district of Siraha was considered one of the most volatile in the country, being a focal point of much of the violence that had taken place in the Terai during the last two years. The violence was a reaction to the fact that Madhesi of the Terai had been increasingly dissatisfied with the discrimination against them. Madhesi are disenfranchised in a number of ways: language-wise since they speak a language close to Hindi and the official language Nepali is only a second language to them; economically since the Terai region is the breadbasket of Nepal and the region contributes with two thirds of the GDP while the infrastructure lacks investment, people are poorer, less educated and have lower health indicators than Nepalese living in the hilly regions. Furthermore, the Madhesi are underrepresented in all areas of society and the number of Terai seats in the parliament under the previous electoral system was not representative of their share of the population.

In January 2007, a young Madhesi was shot dead and burned by Maoists in Lahan in the district of Siraha, and the lack of effective investigation and remedy sparked a surge of protests and increased violence, including looting, abductions, extortions and killings. Around the time of the CA elections the violence had mostly stopped, although there were active bandhs\(^\text{23}\) in place throughout the district and a sense of uncertainty among the population.

\(^{23}\) i.e. strikes and roadblocks
Observation prior to election day

Early deployment made it possible to meet with the electoral administration at all relevant levels, voters and registered candidates. The team also met representatives of political parties. Everywhere the team was well received. The electoral administration was helpful and fully transparent, even at times of strain. The District Election Officer and the Chief Returning Officer (CRO) responsible for the elections in Siraha District appeared well trained, prepared and up to the task. The same appeared to be the case at the polling centres visited before election day. There was a comprehensive security plan in place for voters and polling staff. Polling staff where living together in guarded clusters the last days before elections, and armed and unarmed police guarded the polling stations from the moment they had received election materials until the materials were transported back to the District. The team observed the distribution of ballot papers and other equipment to the polling stations, which went smoothly without problems or any complaints. Each of the six constituencies had a long list of registered candidates on the FPTP ballot, from 23 up to 31 candidates. Candidates representing Madhesi parties made up a significant share. Nationwide parties like the Nepali Congress, CPN-UML, CPN-M and royalist parties were also present and actively campaigning.

The campaign was entirely focused on the FPTP candidates and all significant candidates had been placed on this list instead of on the proportional (PR) list. Those candidates were also the most active and visible campaigners, as the parties focused their organisational support around the FPTP candidate. The campaign was carried out by extensive travel throughout the constituency and direct meetings with voters in the villages and settlements where campaign leaflets were handed out. The team met with some 16 candidates of different political shades, and none of them made any complaints about their possibility to campaign or other issues related to the election. However, despite the ban on campaigning the last three days before elections, many of the candidates were campaigning until election day.

Observation of opening and voting

On election day the team visited twelve polling stations (PS), of which several were located two and two together at polling centres. The team visited all the constituencies during the day. During the opening all prescribed procedures were followed.

The voting process in most of the PSs was generally conducted well, but there were also serious violations and points of concern: In several PSs the STOs observed very young voters voting. Even though some said they were old enough to vote, others openly claimed they were 13, 15 and 16 years of age, voting on behalf of their absent fathers. When asking Polling Officers about this, they stated that since all the party representatives present agreed to the practice, they would not break the consensus by refusing the voters to vote. As such, an obvious violation was generally accepted as a practical and fair way of solving a problem.

Despite the relatively good order of the majority of the PSs, some appeared very disorganised when the team arrived. Dissatisfied representatives of several of the candidates were involved in loud discussions with polling staff, who soon seemed to have lost the control of the crowds. This happened in three PSs; in all three the discussion was about particular voters’ right to vote.

A remark must also be made to the fact that party agents were informally given a too active role, taking on the role of the polling staff in identifying the voters. In practice the party agents checked voters’ invitations by the help of copies of voter registers. Voters
on the list were then given a small piece of paper that functioned as a pass they brought to the polling staff, who issued them the ballots. In most cases the passes did not carry any marking, but in some cases they were marked with the symbols of Nepali Congress. This system disturbed the powers of the polling staff and could also influence the choice of the voter.

Polling in three polling stations in constituencies 2, 3 and 5 was terminated during election day: In constituency #2 cadres of the Young Communist League entered one PS and poured water into the ballot box, while in another PS they raided the ballot box. Similar events occurred in constituency #5. In constituency #1 the voting was halted because a young man, allegedly the son of a Nepali Congress candidate, shot and seriously wounded another person present at one PS. Later it was reported that the person died in hospital, but this information was never confirmed during the period the team stayed in the district. None of the above incidents were observed by the STOs. The Chief Returning Officer decided to cancel the result in these three constituencies and ordered repeat elections because of these and other violations the same afternoon.

After the vote finished, the team observed the packing and transport of election materials back to the district headquarters. Everything was conducted according to prescribed procedures. Some polling station results were cancelled upon arrival because the ballot box was not properly sealed.

Observation of counting

The day after the elections it took some time before the counting started for the three remaining constituencies. CPN-UML submitted a claim for the cancellation of the results of some 10-12 additional PSs. CPN-M also submitted a complaint. While these claims were considered, tensions rose, as parties feared the ballot boxes had been tampered with while the counting was delayed. The parties who had submitted the complaints were also most active in raising this concern. Finally, after the DEO and Returning Officers had consulted with all parties in a closed session the counting started. The counting proceeded smoothly, but the STOs had very little opportunity to follow much of the process, as they had to leave the district.

Madhesi party candidates eventually won five out of six FPTP seats in the district.

Election Day Observation Report from Palpa and Gulmi by STO Jannike Syse

Observation prior to election day

The STO team was deployed to the districts of Palpa, Argha Khanchi and Gulmi and was based in Tansen. Brahmin and Chhetri people were in majority in the team’s AoR, but there were also significant numbers of Newar and Magar. Minority indigenous groups included Damai and Kami, falling under the Dalit caste.

The team arrived in their AoR on 5 April and visited Palpa and Gulmi districts, planning the routes for election day. Due to bad road infrastructure and time-restrictions the team did not visit Argha Khanchi district.

The delivery of election material to polling stations (PS) appeared to be implemented according to the procedures. At one PS the STOs witnessed the arrival of the election material, securely accompanied by armed police.
The Chief District Officer (CDO), the District Election Officer (DEO) and the District Superintendent of Police (DSP) in both districts told STOs that there had been no attempts do disrupt campaigning or political activities. In Gulmi district the DSP urged the STO team to visit the remote areas of the district on election day due to rumours that the CPN-M was psychologically threatening the inhabitants of those areas to vote Maoist. Some of the sensitive areas took hours to reach and some were only reachable by foot. Going to those areas was therefore not possible on election day.

Campaigning observed mainly involved use of public address systems installed in cars. To the team’s knowledge campaign rallies and political gatherings etc. were not disrupted or interfered with by the authorities, police or security forces.

Observation of opening

Approximately 700 voters were registered at the PS the team visited for the opening. At the team’s arrival at 06:30 the polling officials were preparing the opening. No voters were in queue at 07:00 but started arriving soon after. Despite the fact that the opening was slightly delayed (07:20) everything seemed well prepared and organized. Party agents and domestic observers were present and voting commenced in a calm and relaxed atmosphere.

Observation of polling

After the opening the team observed polling at seven PSs in Palpa district and six PSs in Gulmi. On average each PS had from 700 to 800 registered voters. Everything seemed well prepared and organized in all PSs visited. The only irregularities the team witnessed were the following: at two PSs voters’ thumb on the right hand were marked instead of the left hand’s thumb; at some PSs domestic observers were only present outside the PS, and the team was told that these observers were not allowed inside.

Observation of closing, transfer and counting

The STOs observed the closing of one PS in the district of Palpa and then followed the ballot boxes to the constituency level. The transport of the election material was done on foot and ballot boxes were accompanied by armed police and party agents.

The delivery and storage of election material was adequate. Overall organization, including the arrangement of counting venues was properly arranged. Party/candidate agents, domestic and international observers had free access to the process.

The team found the FPTP counting process slightly confusing: Ballots from more than one PS were mixed together, sorted and counted, but not reconciled face down. As far as the team could understand the reason they did not count face down was that candidates, agents and party observers wanted the results as soon as possible and all had agreed with the respective Returning Officers (RO) on this, which did not appear to be in accordance with EC instructions.

By the time the STOs left the AoR, the counting was still not finished and the results therefore not ready.
Election Day Observation Report from Morang by STO Espen Pettersen

Area of responsibility

The STO team was stationed in Biratnagar in Morang district, which is part of the Koshi Zone in the Eastern Region. The district is mainly rural and the main crops cultivated are rice and jute. The area was covered by forest until the last century when it was cleared for agriculture and many settlers migrated to the district from the hills and the neighbouring India. Morang district is the largest industrial area in the country and Biratnagar is the second largest city of Nepal.

Observation prior to election day

The campaign in Morang district (including Biratnagar city) was low-key and peaceful. The main campaign activities consisted of motorbike rallies, bicycle parades, posting of posters, display of flags and some rallies. CPN-UML and CPN-M were conducting door-to-door campaigns. The parties generally observed the campaign silence period.

On 29 March a bomb exploded at a mosque in Surachiya VDC, killing two persons and injuring two others. The victims were Muslims. The Nepal Defence Army (NDA) claimed responsibility for the bomb. According to a NDA communiqué they were dissatisfied with the current situation as they were against development of democracy in Nepal and they wanted to prevent election preparations.

Observation of opening

The team observed the opening in Kadmahya in constituency #4. All polling staff was present at 06:30. However, the polling station (PS) did not open at 07:00 as prescribed. Opening procedures were followed, but polling did not start before 07:45. When the PS did open, many people were waiting in line. The presence of security personnel was adequate during the opening and no campaign material was observed closer than 100 meters of the PS.

Observation of polling

The team visited ten PSs within its area of responsibility and observed that polling was generally conducted according to the rules and regulations. No serious disruption of the polling was observed. The atmosphere was generally calm and quiet in and around all the PSs visited. People were queuing in the morning, but after 15:00 there were no longer any queues at any of the PSs visited.

In general there was no campaign material within 100 meters of the PSs. Polling stations were easily accessible and filtering of voters did not take place at the entry points, the exception being at one PS where the team suspected filtering was taking place since there was a crowd of Young Communist League (YCL) supporters outside. When the team arrived the YCL cadres left rather quickly, and no one could or would confirm that filtering had taken place.

Party agents played a very active role in all the PSs. They were helping voters find their name on the voter list, thus facilitating the work of the election officials. However, at some of the PSs they seemed to play an excessively active role. The eventual influence party agents had upon the voters only lasted until the voter was given the ballot papers.

After that, party agents did not interfere in the process and the secrecy of the vote remained intact.
Voter turnout was high, and female participation seemed larger than male participation.

Observation of closing, transfer and counting

Closing procedures were generally adhered to. At closing time at 17:00 no voters were waiting in line and the polling staff reported that the last person to vote did so at 16:00. At closing time the Polling Officer announced out loud that the PSs was closing, calling on any voters who had yet to vote to come and vote immediately.

The sorting and packing procedures of the election material were followed. A bus that went by all the PSs collected the ballot boxes and the polling staff and transported all to the district counting centre in Biratnagar. Security personnel escorted the bus.

When the STOs returned to Biratnagar from the counting centre at night, police had closed the main road because they had found a bomb, which army personnel was trying to defuse. As only vehicles used for election purposes were allowed on election day, the purpose of the bomb was probably to disrupt the election process.

At the central counting centre in Biratnagar procedures were generally followed. Ballots from two and two ballot boxes were mixed together to prevent identification of results of specific polling stations. Party agents observed the counting. When polling station results were ready, they were announced through a loudspeaker to the crowd of spectators outside the compound where counting was done.

Election Day Observation Report from Sunsari by STO Tom Roseth

Area of responsibility

The STO team was deployed to Sunsari district in the southern part of the Eastern Region. Sunsari is positioned along the Indian border in the Terai belt and comprises six constituencies. The district has 625,000 inhabitants and is ethnically diverse: Tharu (14%), Muslim (11%), Brahmin (8%), Chhetri (8%), Rai (7%), Sanyasi (5%), Yadav 4%, Jhagar (4%), Kori (4%), and others (34%). The main languages spoken are Mathili, Nepali and Tharu. Sunsari district is mainly rural except from the district capital Inaruwa.

The most active political parties in the area are the CPN-UML, the Madhesi People’ Right Forum (MPRF), NC and the CPN-M.

Observation prior to election day

The STO team had five days in the field before election day and was able to get a fairly good overview of the electoral and political situation. In none of the constituencies were there any obvious front-runners and close races between candidates and parties were expected. All main parties and candidates expressed expectations to win, and if not the election would not be a free and fair. Similarly, all claimed to be the only one following the Code of Conduct, while other parties committed irregularities.

Constituency #5 was considered a high-profile trouble spot as the PM’s daughter Sujata Koirala (NC) was competing against Upendra Yadav (MPRF) and Mohamed M. Ansari (CPN-UML). In addition, the STOs were informed by both elections officials and party officials that many of the constituency’s villages had a history of violence and irregularities during election day.
There were few large rallies in Sunsari and campaigning took on the form of motorbike rallies, displaying party flags, or sometimes by using a car with speakers. 2-3 days before election day each of the main parties held one large rally, which gathered a fair amount of people.

The election administration appeared well organized and knowledgeable on electoral rules and regulations. The team was informed that the training of polling staff had gone well.

*Observation of opening*

The STOs observed the opening at a polling location comprising five polling stations (PS). The opening was delayed and a total of around 1,000 people were waiting in line to enter. Due to the heat, most voters turned up to vote early in the day. All voting material had been received and all polling staff was present. When the PSs opened, the procedures were correctly followed.

*Observation of polling*

The STO team visited nine polling stations (PSs). The team’s general perception of the voting process and procedures was that they held a good standard. A few irregularities were noted, mainly due to overcrowding of the PSs. The polling staff appeared very well trained and competent and the team assessed the overall performance of the PSs as “very good” in all but one. In this particular case the PS was overcrowded and a party agent from MPRF with no visible accreditation had taken over the registration process of the voters, holding a big pile of voter slips in his hand. Another problem was the relative frequent voting by underage people. The STOs also observed one case of vote buying.

The use of voter registration slips was a challenge to polling procedures and there was a perception that voters could not vote without it. Party activists issued such slips to voters prior to voting, either outside the polling location or weeks in advance. Providing these slips outside the polling locations could possibly influence on voters or create intimidation. STOs saw very few voter invitation cards and almost no voters presented proper ID. The use of voter registration slips is problematic and they should be replaced by proper IDs. However, many illiterate voters needed assistance in filling out the slips, and in this way the slips eased the process of registering voters at the voter lists desks. The slips allowed under-age voters to vote in the name of other family member that could not come to cast their vote. The team observed eight confirmed underage voters vote and suspected there were many more, but no party agents protested.

Another problem was the similarity of names in the voter list. Thus, at the end of the polling day STOs observed several cases where a voter was turned away because someone else had already voted on his/her behalf.

Armed police were present inside many of the PSs, assisting the polling staff in managing voters but their presence was not intimidating. Domestic observers were present in all PSs. All appeared fairly objective and seemed to have a positive effect on the voting process. There were few female polling staff officials.

In one constituency there was reportedly a clash between NC and MPRF cadres resulting in one dead and five injured activists. The MPRF wanted revenge after the death of their supporter and the team met a fleeing election observer from Bangladesh who had been attacked by the angry group. He strongly advised the team not to approach the village, as it could be life threatening. The team took a detour to avoid the village and lost some time.
**Observation of closing and transfer**

The STO team chose a PS in Inaruwa for the closing. The PS closed exactly at 17:00. All was according to the prescribed procedure and the polling staff packed and sealed the material efficiently. The team accompanied the transport of the ballot box to the district centre and observed the handover to the Returning Officer (RO). Party and candidate agents followed the ballot boxes to the RO’s location for counting.

**Observation of counting**

The counting process started between 14:00 and 23:00 on 11 April. There were two counting centres. The team first observed the counting for constituencies 1 and 4. The counting started at 18:00 due to long discussions on how to count, but commenced when all agreed. Otherwise no problems were observed and counting procedures were followed.

At the other counting centre for constituencies 2, 3, 5 and 6 it turned out to be more problematic. In the high profile competition in constituency 5 where Sujata Koirala (NC) was running, the counting proceeded correctly (although she objected to the result and demanded a new poll). This was also the case with constituencies 3 and 6. However, the counting for constituency 2 was interrupted because of suspicion of irregularities in the counting procedures.

Representatives of the CPN-M and RPP demanded counting to stop. The STO team was told by an angry group to leave the counting station, as they forcefully would stop the counting. Due to police presence, no violence occurred and the counting officials agreed to stop the counting. At the counting centre, results from the four constituencies were regularly announced on loudspeakers to a crowd outside the compound. This worsened the atmosphere as the speaker read out results that were perceived by the CPN-M and RPP as being incorrect for constituency 5.

The reasons for these parties to demand a recount and/or re-polling, and stated to the STOs were the following: 1) The document that stated periodical counting results was missing, making it impossible to track the counting process; 2) The polling station record was missing or not made available; 3) During the counting the CPN-M agent was not allowed to enter again after having lunch; 4) The counting had been extended to another room during night, and the CPN-M representative had not received accreditation until the morning. 5) A ballot box seal was allegedly broken. 6) Claim that the counting officers were CPN-UML affiliated and had removed thousands of CPN-M and RPP votes. The case was made increasingly difficult as both the RO and the DEO avoided contact with the complainants and did not stand up to solve the situation. The STOs had to leave at 21:00 without observing the outcome of the situation.

**Election Day Observation Report from Ilam by STO Tom Fr. Vold**

**Area of responsibility**

The STO team covered Ilam district. The team was based in the town of Ilam, the district centre. Ilam district is situated east in Nepal, in the Hilly Region, bordering India to the east. The district covers an area of 1.703 sq km with a population (2001) of 282,806. The main ethnic groups are Rai (25%), Brahmin (15%), Limbu (14%), Chhetri (14%), Tamang (7%), Magar (5%), Newar (4%), Kami (3%), Gurung (3%), Damai (1%) and “others” (9%). The district was among those hardest affected by the Maoist rebellion.
The district is divided into three constituencies. With a total of 212,205 registered voters the district had 248 permanent polling stations (PS) placed in 116 polling locations. In addition the district had five temporary PSs.

Observation prior to election day

A total of ten political parties and 34 candidates took part in the election in Ilam district. Some of the candidates were nationally well-known: In constituency #1 CPN-UML Politbureau Member Jahl Nath Khanal and NC Chief Whip of Parliament Benup Raj Prasai ran for office; in constituency #2 CPN-UML Speaker of the Interim Parliament Subhah Nembang and NC’s Keshav Thapa were running; and in constituency #3 NC General Secretary Kul Bahadur Gurung and former head of CPN-UML Dharma Prasad Upreti were among the candidates. The election showed Ilam district as a CPN-UML stronghold: CPN-UML candidates won in constituencies #1 and #2 while the NC candidate won in constituency #3.

Observation of opening

On election day the team observed the opening in a rural polling station (PS) outside Ilam town. When the team arrived at 06:25 the polling staff, party agents and domestic observers were all present. The opening procedure was performed in a professional and transparent manner, and took place in a peaceful atmosphere. The polling commenced at 07:00. At that time approximately 50 voters had lined up. Armed police were present and the polling station seemed to have sufficient security.

Observation of polling

During the day the STOs observed polling in eleven PSs. All PSs were outdoors, and all had a logical setup that facilitated the flow of voters and secured the secrecy of the vote. The environment during voting was in general peaceful; the team did not observe any election related tension. The voters seemed to use the first part of election day for voting, from the morning and until 13-14:00. Voters lined up, sometimes in queues of more than 200 outside one PS. After 14:00 queues were insignificant.

In nearly all polling locations party ‘volunteers’ were helping voters find the correct polling station and supplied voters with slips of paper with the voter’s identification number. A small party badge usually identified these ‘volunteers’. The Maoist volunteers were clearly visible as they were wearing red bandoleers. All PSs visited processed voters in an efficient manner, and in general the polling staff displayed a good knowledge of the procedure. The party agents were generally cooperative and contributed positively in the processing of voters. On average there were around three domestic observers present in each PS. Their knowledge of the process varied. The voters’ understanding of the process was generally satisfactory and voters who needed help received guidance from polling staff. The team did not observe any party agent object to the identity of a voter. Furthermore, the team did not observe polling staff request identity cards from voters.

At most PSs armed police was present inside the polling area. The STOs did not observe the police interfere with the voting process and the team was under the impression that voters welcomed their presence.

The team’s overall assessment of the polling was good and they felt that all those involved participated with the aim to conduct a free and secret election. The team did not observe any intentional breaches or major irregularities.
Observation of closing and counting

The STO team observed the closing at a PS in Ilam town. The general environment seemed calm and no voters were waiting to vote. The closing procedures were conducted in clear view of party agents and domestic observers. The polling staff was obviously capable and filled in the forms so fast that a fair degree of attention was needed in order to follow the process. The polling staff forgot however, to seal the ballot box before starting the paperwork, but sealed it after the mistake was pointed out by a domestic observer. The party agents signed the closing forms and no dispute arose as a result of the closing procedure. There was sufficient armed police present.

Together with the polling staff, party agents and domestic observers, the team followed the ballot boxes from the PS to the hand-over area at the Returning Officer and observed the delivery of the ballot boxes. The Returning Officer carried out his duties in a professional manner: Incoming ballot boxes were processed efficiently and the line never exceeded 2-3 polling stations. The security situation at the hand-over area was very good.

Most of the ballot boxes arrived in Ilam town during the night. However, due to the fact that some ballot boxes arrived late, counting did not start before 08:00 the next day. The team observed the counting at two of the three counting stations in Ilam district for some hours the same evening. The counting seemed to be performed in a calm and transparent manner. There were few disagreements regarding invalid votes. In order to secure secrecy of the vote, the returning officer in one of the counting stations mixed 3,500 ballots before he would allow the counting to commence.

Election Day Observation Report from Surkhet, Dailekh and Jajarkot by LTO Magnhild Norgård

Regional and political background

The LTO team was deployed to the Mid-Western Development Region. The area of responsibility (AoR) comprised the districts of Surkhet (pop. 288,577), Dailekh (258,500) and Jajarkot (146,000). The AoR counted 136 Village Development Committees (VDCs) and 1 municipality (Birendranagar).

The five main ethnic groups in the AoR are: Chhetri (27.7% of the population), Magar (20.6%), Kaami (15%), Brahmin (12.3%) and Thakuri (4.6%). The ethnic composition of the population did not cause political or election-related problems in the area.

Underprivileged ethnic groups were included in the candidate lists of both CPN-UML and CPN-M: the CPN-UML proportional list had a female Kaami candidate and the most prominent CPN-M FPTP candidate in Surkhet district (const. #2) was a Magar woman.

Political parties, the election administration and several NGOs stated that the lack of gender balance was a major problem. The fact that women play a minor role in the election process, politically and administratively, is mainly a consequence of cultural tradition where women are considered less important in civil life. The lack of education opportunities for girls/women is another problem. The fact that very few women on overall hold formal positions in the community makes women less visible in public life. This is in contrast to the fact that more than 50% of the electorate is female. Not making use of the human recourses of about half of the population is a serious waste of
resources. Another issue is connected to the lack of basic civil rights for the female part of the population.

During the last ten years the AoR has been highly affected by the Maoist insurgency, and some of the VDCs, in particular remote ones, were Maoist strongholds. The fact that several PLA (People’s Liberation Army) cantonments were located in Surkhet district made the population feel more vulnerable to PLA/YCL threats during the last weeks before the election. Jajarkot district was also considered a Maoist stronghold while NC or CPN-UML has traditionally held Dailekh district.

On the evening of 8 April the CPN-UML candidate for the FPTP contest in constituency #1 in Surkhet district was shot dead in Maintada VDC. NC supporters were accused of being behind the murder. The candidacy was taken over by the candidate’s widow, and elections were postponed for this constituency until 19 April.

Observation of opening

Due to the LTOs’ vehicle breaking down on the way to the opening polling station, there is no report from the 10 April. However, for the postponed election on 19 April the team observed the opening. Polling took place outdoors and started exactly on time. Procedures were followed and voters queued peacefully in long lines, men and women separately. Elderly and disabled persons were given priority and prescribed assistance was given when requested or needed.

Observation of polling

On 10 April, due to lack of transport only four polling stations (PS) were visited. Two PSs were temporary ones located in the PLA cantonments. The first regular PSs visited in the morning had queues of about 150 voters. Although the number of polling staff was sufficient, the flow of voters was rather slow and only around 25 voters were processed per hour. The inking of the voters’ left thumbnail was done properly and the secrecy of voting was secured. Some voters were observed stamping the ballot with their thumb instead of using the swastika stamp inside the boot. The polling staff failed to correct this malpractice.

Party agents were active in identifying the voters, which was rather crucial as the voters had no identity cards (ID) or voter cards. However, outside the PSs there were groups of informal party agents equipped with voter lists, issuing small ID slips to the voters, which included the voter’s serial number. This system represented a kind of ‘double checking’ of the voter lists, thus giving the party agents overview of who had voted and who had not.

During the polling on 19 April, the LTOs visited five PSs. No major irregularities were observed, apart from the same system of informal party agents outside the PSs.

Observation of closing and transfer

PSs closed on time on both election days. During the closing observed on 10 April in Birendranagar, there was a problem reconciling the number of ballots issued with the number of voters who were ticked off on the voter list.

The ballot boxes were transported by foot, accompanied by polling staff, party agents, police officers and observers to the counting centre 15 minutes’ walk away.
Observation of counting

The counting started before 48 hours after closing, when all ballot boxes had reached the counting centre. The party agents agreed with the Returning Officer (RO) on the procedures of the counting before counting commenced.

One box at a time was emptied on the floor and ballots were counted face down and piled together in stacks of one hundred. The number of cast ballots from each box was recorded. The content of three ballot boxes was counted separately to this point before being mixed and then sorted by political party and counted accordingly. All ballots were shown to the party agents present, and disputed ballots checked by the RO before being rejected or found valid. The majority of the rejected ballots had a finger stamp instead of the swastika stamp. The aggregated results were announced through the public address system after counting 3 and 3 ballot boxes.

The weak point was that no true reconciliation was made. The forms from the PS (Forms 55 and 58) were not opened and checked against the actual number of ballots found in the ballot box at the counting centre. The forms were packed in the sealed bag together with the election material and could only be opened upon a court order as a consequence of complaints forwarded to the court or by order from the Election Commission. The only way to check this was to try to calculate the turnout percentage per PS. The team did this for constituency #1 in Surkhet and discovered that one PS had a turnout of 93.3 per cent, while the average turnout in this constituency was 64 per cent. To compare the turnout at this single PS with the records in the PS forms could have been an interesting exercise.

Election Day Observation Report from Myagdi and Baglung by LTO Frode Strønen

Regional and political background

The LTO team was designated as a mobile team and covered the districts of Myagdi and Baglung located in the Western Region. Myagdi district (one constituency) comprised some 88,000 voters, while Baglung had 226,365 registered voters distributed among three constituencies. A majority of the AoR’s VDCs were reachable only by foot and in addition to observing in areas reachable by road the team visited nine VDCs by trekking.

Myagdi and Baglung are in the periphery of Nepal’s political life. Both districts were highly affected by guerrilla activities of the CPN-M during the People’s War, death tolls in each district varying from 200 to 300 civilians. Interlocutors in Beni town (Myagdi) still considered the town’s inhabitants as “displaced people”.

During the run-up to the election a series of violent incidents took place, especially in Baglung district, which might have had an impact on the voting results there. Although Myagdi district reportedly was free of violent incidents, the team was of the opinion that violence is a factor that influences on the election results. The district was part of the frontline during the People’s War and experienced violence and pressure from both the Maoists and the state apparatus through brutal police actions.

From conversations with voters in the VDCs, the violence executed on both sides seems to have established a state of fear among people, directly through pressure from the Maoists referring to the past, and indirectly due to a general fear of returning to the civil war situation. Today villagers support CPN-M mainly. They have experienced little
good from the state apparatus (identified with NC), but have on the contrary suffered through rough and arbitrary policing campaigns.

The National People’s Front party (the political wing of the once influential CPN-Masal) maintains a stronghold in Baglung, winning two out of three constituencies in previous elections. The party fiercely contested the CA election and won in constituency #2.

In Myagdi district a CPN-M candidate was elected without any incidents reported during the campaign or on election day. The results were easily accepted from the stakeholders and the civil society.

Observation of opening

The team observed the opening of two polling stations (PSs) in Myagdi district. The opening took place according to prescribed procedures with all polling staff on duty. All polling material had been received and ballot boxes were sealed with the party agents present. The queues of voters were long, but well organised. Police was present and did not interfere in the process.

Observation of polling

The team observed polling at nine stations in five polling centres in the Kalikandaki valley down to Beni town (Myagdi district). In these locations the polling was conducted in an orderly manner. However, a number of deviations from good practises must be mentioned: Firstly, the role and influence of the party agents was extensive, to the extent of being intimidating. All parties had received copies of the voter list. In the vicinity of the PSs, the parties had established ‘help desks’ – with no police or polling station officials present. The said purpose was to help the voters to be found in the list for then to be advised to the correct polling station queue. However, in a post conflict environment and following a pre-election period marked by violent incidents, such arrangements, especially in areas dominated by one party, can deter voters from approaching the polling places.

Inside the PSs party agents again checked voters against the voter list.

In Baglung district re-polling took place at five PSs due to disruption of the poll by political parties on 10 April. Re-polling proceeded smoothly and under heavy police security. At one PS where re-polling took place, the LTOs observed and confirmed that a number of under-age juveniles voted after being approved by party agents. When the team asked the Polling Officer about his reaction to this, he replied that he could not interfere if the voter was found in the voter list and approved by the party agents.

Observation of counting

The counting took place in centrally located counting venues in the towns, one per constituency. The chosen locations were safe and suitable. The observers and party agents could easily monitor the counting, which took place in an orderly manner.

Some flaws in the reconciliation process should be mentioned. When closing the PS the inventory form 55 is placed together with other election material in a bag that is sealed. The bag can only be opened upon an Election Commission or court decision. Consequently, when opening the ballot boxes no official document from the closing of the PS is available for reconciliation. The election officials were aware of the problem and had taken notes from the PSs, and numbers presented were universally accepted. The team is of the opinion that this shortcoming did not create mistakes.
Ballot papers from three to four ballot boxes from different PSs were mixed for protecting the secrecy of the vote. When each of these batches was counted and approved by the party agents, the partial results were announced by loudspeakers and posted on a board visible to the public. The final, aggregated result was announced locally following the same procedure.

LTOs did not gain access to the voter turnout statistics for Myagdi district. In Baglung district nine PSs in two constituencies with 175 PSs in total had voter turnout higher than 80 per cent, the highest turnout percentage being 98.21.

FPTP winners Baglung district: Constituency #1: CPN-UML; #2: National People’s Front; #3: NC. Myagdi district: Constituency #1: CPN-M.

Election Day Observation Report from Sindhulpalchok, Kabre, Palanchok and Dolka by LTO Bror Gevelt

Regional and political background

The LTO team’s area of responsibility (AoR) embraced three districts the hilly/alpine part of Nepal’s Central Region: Kabre Palanchok, Sindupalchok and Dholoka. Sindupalchok and Dholoka districts border China (Tibet). The LTOs established their duty station in Dhulikel, the administrative centre in Kabre Palanchok district. For election day the LTOs received one STO team that was deployed to Dholoka district.

As is the case in most regions of Nepal, the ethnic composition of the AoR is diverse. Main indigenous groups include Newar, Brahmin, Chhetri, Tamang, Danuwar, Sherpa, Thami and Jirel. The Newars, Brahmins and Chhetris represent the educated elite and they dominate political and administrative life. Ethnic tensions were less apparent than in the southern Terai region. Nevertheless, all groups expressed agreement with the quota system and were hopeful of the results. However, political parties professed, as did those involved in the electoral process, that they faced difficulty in finding acceptable candidates/representatives as so many of the minority groups were illiterate. Also, female representation was generally low.

Administration and security concerns were similar in all districts. Major issues related to the area’s remoteness, which not only caused logistical and operational problems, but also created a fear of interference/retribution in these areas. Some violent incidents reportedly took place, but few were reported to police. While it was evident that tension was running high in the run-up to election day, the efforts of the Chief District Officers (CDO) in particular, in pulling together political parties whose followers were in danger of escalating conflict, paid off handsomely on election day. There is also no doubt that both the 48 hours moratorium on campaigning prior to election day, and the total ban on vehicular traffic on election day, limited the risk of violent outbreaks. The teams’ concerns over logistical and security arrangements proved false as all polling staff and material were in place according to the electoral timeline.

Political profile and issues seamed similar in all districts; the NC, CPN-UML and CPN-M dominated, while RPP was fairly strong in some localities. The final results showed the Maoists as winner in eight out of nine constituencies, while the UML secured the last of the FPTP seats.
Observation of opening

The opening was somewhat confusing but still positive. Large crowds, open air and close proximity of polling stations (PS) in collocations (at polling centres) delimited by ‘transparent’ walls caused officials to be stressed and created some confusion among queuing voters. However, both PSs observed opened precisely on time.

Observation of polling

The two EU observer teams visited a total of 16 PSs. The processing of voters was efficient and on average PSs processed 100 voters per hour. Peak hours were in the morning. Considering the level of awareness of many voters, they were surprisingly well prepared. Nowhere did the teams find voter lists (VL) posted outside the PSs. However, in the vicinity of all PSs both teams noticed tables manned by persons issuing voter ID slips. The persons were sometimes reluctant to admit party affiliation and claimed to be “volunteers”. The LTOs did not consider this as undue interference/filtering of voters or intimidation by the political parties as multiple representatives of different parties neutralized these potential negative effects. They also provided a practical response to illiteracy. It should be noted that the STOs took the opposite view. While the ‘unofficial’ work of party agents outside the PSs really facilitated the flow of voters, their official role inside PSs was perceived as superfluous. As such they started to seek other ways of ‘assisting’ and were seen to be ushering voters to booths and ballot boxes, or standing close to ballot boxes and generally acting as extra hands.

The level of professionalism of polling staff was in general satisfactory. However, some cases of a lack of understanding were observed. In two cases the LTOs were refused permission to examine the opening form (Form 42) and in one case the team was denied entry to a PS.

None of the teams saw voters present any form of identification. At the opening PS, party agents called out loud voters’ names, but stopped doing so towards the end because the exercise was deemed not useful.

Inking procedures were randomly performed and voters’ fingers were not always checked for ink.

In Dholaka the STOs reported that the NC apparently had taken control of a polling location and were threatening voters. Later the STOs saw CPN-UML cadres on their way to the Returning Officer to submit complaints regarding “booth capturing” in several locations, including the one above. The complaints were later confirmed but the Election Commission dismissed them.

Observation of closing and transfer

The closing was observed at a PS situated in a small village square with a large crowd of on-lookers. The PS closed on time and then the police removed all bamboo fencing as the inventory process was taking place. This meant they could not prevent the crowd moving very close to the table where the Polling Officer (PO) and his staff were trying to complete the process. Due to the crowding the observers found it difficult to follow the process. However, there was no reason to conclude that irregularities took place.

Ballot boxes and election material from all the VDC’s polling stations were collected by one bus. Numerous polling staff and police escort made it impossible to see how many party agents and observers accompanied the 16 boxes. At the hand-over venue, there was ‘controlled confusion’. Access was for the most part limited to polling officials.
**Observation of counting**

The counting process was observed at the ROs’ premises in all the AoR’s nine constituencies. The counting premises turned out to be perfectly adequate because the counting took place on the floor while observers and agents seated on chairs had an excellent overview of the process. Ballots were first sorted into piles according to candidate/party and then displayed and counted directly in front of the agents and observers.

A major issue was the complete lack of effective reconciliation. All PSs had been issued with a ‘tally form’ on which every voter was recorded by gender. Evidently, the form should have been retained by the PO and handed over the RO when the ballot boxes were delivered and was supposed to be the method by which the RO could confirm how many ballots were in the box. Nevertheless, many POs placed the form in the sealed envelopes, compelling the ROs to call POs and receiving only approximate turnout figures. Even when the tally forms were handed, the figures did not always match the number of ballots in the box. The inventory Form 55 was invariably placed in a sealed envelope and could only be retrieved upon a court order.

The number of invalid ballots was mentioned with concern by ROs in every district. In Kabre Palanchok the percentage of invalid FPTP ballots varied from 3.99 to 4.98. When asked by the LTOs about the high number, interlocutors suggested that it was due to lack of understanding among voters; many voters knew they had to vote twice, but were not aware of that they would get a second ballot and therefore marked the first (FPTP) ballot twice. Moreover, many ballots were invalidated because voters used their thumb instead of the swastika stamp to indicate their choice on the ballot.

**Election Day Observation Report from Parsa, Bara, Rautahat, Makwanpur and Chitwan by LTO Jeremy Franklin**

**Area of responsibility**

The LTOs’ AoR of Narayani zone comprises five districts located in the southern part of the Nepal’s Central Region. Two of the districts (Chitwan, Makwanpur) are located in the Hilly Region while the remaining three (Bara, Parsa, Rautahat) are part of the Terai belt bordering India. The hilly regions are dominated by *Pahadi* people (i.e. ‘hill people’), including Brahmins and Chhetri, while in Chitwan there is also a large Tharu minority. The Terai, on the other hand, is dominated by Madhesi people, such as Tharu, Yadov, Musulman and Chaudhary. The AoR comprised in all 26 electoral constituencies, 2,188 polling stations located at 949 polling locations, and 1,807,325 regular voters.

On 4 April the LTOs were joined by one STO team, which stayed until 12 April. On 10 April the LTOs conducted election day observation in Bara district, while the STO team observed in Makwanpur and Chitwan districts. Re-polling was ordered in two constituencies, one in Chitwan and one in Rautahat districts due to serious disruption of the polls on 10 April committed by unidentified offenders. On 15 April LTOs observed re-polling at three polling locations in Meghaul VDC (Chitwan).

**Observation of opening**

The general environment during opening was characterized as good by both teams. The opening at the PS observed by the LTOs was 15 minutes delayed, but this had no consequences since there were no voters in queue. Polling staff had received all essential...
election material and logistics were good. The security situation was good and observers saw from five to twelve security personnel present, including armed police. Domestic observers were present at both openings observed.

Observation of polling

The general environment was orderly and peaceful and no major irregularities or instances of intimidation were seen or reported to observers. This was also the case on 15 April during re-polling.

At several PSs there were party agents observed within the PS 100 m perimeter zone, assisting voters and checking voters’ invitations and issuing voter registration slips. However, LTOs did not perceive this to be filtering of voters, but it could be abused by, e.g. applying undue pressure on voters.

Inside the PSs party agents generally contributed to the integrity of the process and were not seen influencing voters in any way. Agents were very active checking voters’ entries in the voter list and in most cases, due to the set-up of the PS, voters were obliged to approach party agents first, handing them their registration slips. After being found in the VL, voters would proceed to polling staff in charge of the VL. Observers did not witness a single case where a voter presented an ID card. Instead all voters invariably presented voter registration slips. The observers did not record any instances of party agents making objections to voters.

The understanding of the voting process by voters was apparently insufficient. For instance, polling staff reported to LTOs many cases of voters using their (pre) inked thumb instead of the swastika stamp to mark the ballot. The level of professionalism among polling staff was generally good and the processing of voters was efficient. The secrecy of vote was fully respected.

There were very few reported cases of tendered ballots being cast (2) and no confirmed instances of voters voting on behalf of others.

On average there were two domestic observers at each polling station. Security was sufficient and security forces behaved in a non-intrusive manner. However, at two PSs LTOs perceived armed police to be too proactive, taking on the role of polling staff by directing voters to booths (1PS) and being in charge of the stamp (1PS).

Observation of closing and transfer

The general environment during closing was good, the process expedient and no queues or crowds surrounded the PSs. Both teams witnessed that the PSs closed on time. The inventory of ballots (Form 55) was correctly drawn up and material and forms were sealed in accordance with the prescribed procedures. The presence of security forces was adequate.

In Makwanpur (STOs) ballot boxes were transported on foot to the district counting centre and in Bara (LTOs) on foot to the district police compound for further transportation to the district counting centre. In addition to the polling officials, the material was accompanied by armed police, party agents and EU observers.

At the counting centres in Bara and Chitwan (the latter during re-polling) LTOs found it difficult to observe the exact handover of election material due to crowding and assessed

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24 When issuing ballots, illiterate voters would mark the ballot stub with their thumbprint to confirm receipt.
that the process could have been better managed by the ROs. Although expedient the impression was that priority was given to securing the ballot boxes over following the proper delivery handover process.

In Makwanpur (STOs) the handover was protracted due to thorough checking of serial numbers and poor planning (only one table for handover manned by the RO), resulting in polling staff starting to complain to ROs due to waiting, which created a tense atmosphere.

Observation of counting

The LTOs generally assessed the counting process positively. The process was efficient, transparent and inclusive.

Counting centres were located in large schools and at one spacious training compound and were overall adequate venues for counting. In general rooms where counting took place were sufficiently spacious and facilitated the presence of large numbers of party agents.

All five visited counting centres granted ample access to party/candidate agents, domestic and international observers as well as to the media. Security measures at entrance gates included the use of metal detectors and party agents and observers were obliged to show their accreditation. At the counting centre in Bara security was rather lax: LTOs never saw security forces actually use the metal detectors and armed bodyguards were allowed to accompany their candidates inside the premises. LTOs perceived this as a serious breach of security, especially when taking into account the volatile atmosphere among hundreds of party/candidate activists outside the compound where counting took place.

Before counting commenced, ROs conducted ‘all-party’ meetings with party agents to decide on criteria for validity/invalidity of ballots and how many ballot boxes to count at a time. At one counting centre a lot of time was spent to discuss the modalities of counting and LTOs were left with the impression that party agents to a large degree dictated the conditions. Party agents argued that while EC regulations might stipulate specific counting proceedings the RO should also accept the opinion/suggestion of the majority of the agents present at the counting. However, once the ROs and party agents had reached an agreement, the process proceeded smoothly and transparently.

LTOs observed that the required reconciliation steps were not always implemented. Simultaneous reconciling and sorting of ballot papers was introduced at a few counting centres to speed up the process, but seemed not to have a negative impact on the overall counting. Party and candidate agents did not submit objections to this practise.

It turned out that a majority of the invalidated ballots had either been marked twice on two different symbols, or were marked with a thumbprint. It is reasonable to believe that voters wrongly marked ballots due to insufficient knowledge of voting procedures and confusion around the two ballots to be cast, but only one for each component.

Several disputes arose during counting, which in some cases disrupted the process. In Parsa constituency #5 counting of FPTP ballots was delayed due to a complaint from all parties, except NC, demanding re-polling in one VDC where allegedly booth capturing took place. However, the EC ordered the count to resume, but upon the LTOs’ departure, the case had been taken to the Constituent Assembly Court.

At all counting centres results were made public through the PA system on a regular basis. Some counting centres also had information desks where party agents, the media
and domestic and international observers could obtain results. As far as LTOs were able to ascertain, posted results were only available inside the counting premises.

FPTP results showed that out of 26 constituencies, CPN-M won 11 seats, followed by NC with 6. The remaining seats went to CPN-UML (2), the Terai Madhesi Loktantrik Party (2), the Madhesi People’s Right Forum (2), People’s Front Nepal (1), SP (1) and one independent Madhesi candidate.

The Review of Complaints Process

The legal provisions for complaints and appeals are included in a number of different legal documents: the Election of Members to the Constituent Assembly Act, the Law on the Functions, Duties and Powers of the Election Commission, the Constituent Assembly Court Act, the Election Offences and Punishment Act and the Code of Conduct. The Interim Constitution provides for the establishment of a Constituent Assembly Court (CAC), which was approved in August 2007. The CAC has jurisdiction for electoral complaints related to the results of the elections and its decisions are final.25

The Election Offences and Punishment Act lists all activities that constitute electoral offences.26 It gives powers to returning officers (RO), polling officers and the monitoring team of the Election Commission (EC) powers to receive and adjudicate complaints. Decisions of the election administration can be appealed in the ordinary courts of appeal. The law did not include the procedures for filing a complaint but the Code of Conduct did include a generic complaint form to be submitted to the EC, ROs, DEOs or to a monitoring team.

During the campaign period the Election Commission received about 230 formal complaints, of which a majority was related to partisan government employees, misuse of state resources and electoral violence. In cases of confirmed breaches of the Code of Conduct, the EC failed to take action against offenders. Two appeals against decisions of the EC were lodged with higher court institutions, but were not adjudicated because the courts claimed they did not have jurisdiction to assess the complaints. The EU EOM concluded that this implied that there were no adequate appeal mechanisms in place.

The LTOs in Narayani noted that very few parties/candidates lodged formal complaints with appropriate bodies. The reason for this appeared to be two-fold. Firstly, there did not appear to be a culture for submitting formal complaints, rather complainants presented verbal complaints that regarding, e.g. the counting process did not go unaddressed as it was very inclusive, giving party agents a high degree of say. Secondly, some political contenders expressed distrust and lack of confidence in complaint handling processes and bodies.

25 The CAC has the power to invalidate elections upon serious electoral offences that undermine the impartiality of the elections. The court can also annul the election of a candidate if the elected candidate has spent more money than the established ceiling for campaign expenditures.

26 Such as voter impersonation, character defaming, exchange of cash, disturbance of peace, use of arms, disruption of election and violation of the secrecy of vote.
ROs and DEO in most cases stated they had not received any formal complaints, although in Chitwan LTOs were aware of a number of complaints from RPP submitted to the DEO. Reportedly, five complaints from RPP regarding electoral intimidation and violence in Chitwan went unaddressed by the DEO and EC.

In Parsa during counting for constituency #5 a joint complaint from all parties except NC demanding cancellation of results and re-polling due to alleged booth capturing in one VDC was submitted to the Chief Returning Officer. The CRO apparently could not adjudicate on the issue and forwarded the complaint to the EC, which instructed the counting resume. However, the complainants did not accept this and the EC issued a second binding decision to resume counting. The complainants later took the case to the CAC, but the outcome is unknown.

In Bara the MPRF filed a complaint against the Sadbhavana Party (SP) winning candidate in constituency #1, accusing SP of booth capturing. The case was taken to the CAC but the outcome is unknown.

Conclusions and Recommendations

The election in this LTO’s AoR was generally conducted in accordance with the legal framework. The EU observers enjoyed good cooperation from all electoral stakeholders and all appreciated the international observers’ presence.

Although somewhat hampered by lack of adequate physical infrastructure and the security situation the election administration performed well. The recruitment of polling staff went smoothly and they appeared to be well trained.

Party and candidate registration was inclusive and a wide range of political parties and candidates contested the election providing voters with a genuine choice.

The pre-election period was characterized by a high degree of tension and numerous violent incidents took place. Despite this most parties and candidates conducted active campaigns and were able to campaign throughout the districts, the notable exception being RPP.

Voting on election day in most places proceeded smoothly and calmly, and polling staff administrated the process in an efficient manner. However, the presence of party agents outside polling locations handing out voting slips and the layout of polling stations, obliging voters to approach party agents first, can lead to intimidation of voters and seriously jeopardize the secrecy of vote. Consequently, the EC should revise the role of party agents outside polling locations and prohibit party tents and the issuing of voting slips, as well as revise or limit the role of party agents inside polling stations.

On 10 April polling was disrupted in three VDCs in two different constituencies and re-polling took place on 15 April. Re-polling took place in a calm atmosphere and under heavy security force presence.

The initiation of counting was slow, but once election officials and party agents had held coordination meetings it generally commenced without any major difficulties. The process was witnessed to be calm, transparent and inclusive.
The number of formal complaints lodged with appropriate authorities was low. A number of complaints submitted to the DEO in Chitwan apparently went unaddressed. Rather than submit written complaints, most parties presented oral complaints due to distrust in complaint handling bodies and lack of culture to produce written complaints.

Appendix (not published in the web edition)

EU EOM Preliminary Statement, 12 April 2008