

Nepal Constituent Assembly Election: Preliminary Statement by The Carter Center

Kathmandu, 12 April 2008

The Carter Center found that the majority of Nepali voters participated in a remarkable and relatively peaceful constituent assembly election on April 10, 2008. Preliminary reports indicate that the administration of this election was well executed, bearing testimony to the hard work of election officials and the determination of Nepal's people to ensure that their country continues on the path to sustainable peace and democracy. It is now essential for Nepal to remain calm, to await final results, and where there are disputes, to follow appropriate legal procedures. The Carter Center will continue to observe the district counting and national tabulation until complete and, when appropriate, comment further on the electoral process.

Key points:

* Polling stations were well-organized and electoral workers carried out their responsibilities competently and professionally. Carter Center observers reported some irregularities during the conduct of the poll, but these are unlikely to affect the overall success of the vote.

* Candidate and party agents from multiple political parties and non-partisan domestic observers were present in nearly all polling stations visited.

* Violent incidents, threats, and electoral malpractice marred an otherwise peaceful campaign, but these negative practices did not deter high voter turnout or public confidence in the election.

To the people of Nepal: The Carter Center commends the enthusiasm and determination of Nepal's people to help consolidate peace and democracy by participating in the election of a body that will write a new constitution. The Carter Center encourages all Nepalis to remain actively involved in the drafting of the constitution to ensure that the process is transparent, accountable, and inclusive.

To the leaders of Nepal: The Carter Center notes the statesmanship and dedication of political leaders to the election process, which has enabled Nepal to return to the path of peace. In response to their diligent efforts, the public has declared its unequivocal commitment to the democratic process. It is now up to Nepal's political leadership to rapidly and transparently convene the constituent assembly, to agree on a new cabinet, and to refocus national attention on the urgent need for economic

development and the strengthening of transparent, inclusive, and democratic institutions.

To the Election Commission: The Carter Center offers its congratulations on the Commission's impressive ability to conduct its work impartially and effectively in a challenging post-conflict environment. The Center recognizes with admiration the Commission's crucial role in Nepal's electoral process.

To the international community: The Carter Center hopes and expects that there will be continued focus on assistance to Nepal beyond the election. The international community should accept the expressed will of the Nepali people and engage accordingly with all relevant Nepali actors.

Background

The Carter Center was invited to observe the constituent assembly election by the Election Commission of Nepal, the Nepali Congress, the CPN-UML, and the Maoists, and was welcomed by all major political parties. The Carter Center has been involved in Nepal since 2003.

The Carter Center established an election observation presence in Nepal in January 2007 and deployed teams of long-term observers who visited all of Nepal's 75 districts at both the district headquarters and the village level, traveling to most districts multiple times. The Carter Center's observers were able to travel throughout the country without restriction, observing all phases of the election process, and they received a warm welcome from the people of Nepal. A delegation of more than 60 observers from 21 nations arrived shortly before election day, led by former U.S. President Jimmy Carter, Rosalynn Carter, former Deputy Prime Minister of Thailand Dr. Surakiart Sathirathai, and Carter Center President and CEO Dr. John Hardman.

Throughout the election preparations, Carter Center observers met with political parties, election officials, civil society, and domestic observers, all of whom encouraged international observers from the Center to help build confidence in the election.

Election Preparations

Despite significant logistical and security challenges, preliminary information indicates that the administration of this election has been a success. The Carter Center congratulates the Election Commission for the organization of the election, with crucial support from the international community, including the U.N. Mission in Nepal and other international organizations and donors.

The Carter Center recognizes that due to the insufficient time available to update the voter roll prior to the April 10 election, a significant number of

eligible young voters were not registered. Additionally, voters who were unable to return to their permanent residence or those who do not have a permanent residence were also disenfranchised by the current electoral legislation. Though it was not possible for this election, The Carter Center urges these problems with the voter roll to be addressed promptly and the voter registration system to be amended to ensure the inclusion of all of Nepal's eligible voters.

The Carter Center also notes that the constituent assembly electoral system – a combination of 240 single-member constituency seats and 335 quota-based proportional representation seats – is complicated and could potentially lead to difficulties in the electoral process. In addition to voters not being adequately aware of how their votes translate into seats, it is possible that parties may face challenges in preparing their selection list for proportional representation candidates. However, the introduction of quotas for women, Madhesi, Janajatis, Dalits, and backwards regions promises to create a far more inclusive and elected body than has ever existed previously in Nepal.

Agreements signed between the government and marginalized groups, including the United Democratic Madhesi Front (UDMF), chart a widely agreed path for future steps. The Carter Center is encouraged by these agreements and urges all relevant actors to implement their commitments in order to continue to build trust and strengthen the foundations of Nepal's democracy.

Campaigning

The campaign period was largely peaceful, with many parties campaigning at the village level, though there is room for improvement to ensure that all Nepalis can participate freely in the political process.

Campaigning was marked by several serious incidents of violence and intimidation. Three candidates died in election-related violence, and an additional number of people were killed during the campaign period. Of those killed, a large number were Maoist cadres. Widespread clashes between supporters of rival political parties, threats to voters by the Maoists and other parties that their vote would not be secret, and violence and threats by armed groups in the Terai also contributed to an adverse electoral climate. Finally, during the campaign period, Carter Center observers received some reports of "no go" zones where particular parties refused entry to any rival parties attempting to campaign in these strongholds.

Polling

On election day, Carter Center observers visited more than 400 polling

centers in 28 districts.

Nepali voters, election officials, security forces, party agents, and observers participated in an election that was largely peaceful, orderly, and in accordance with the established election procedures. Although figures are not available at this time, voter turnout appears to have been high and to have included many women voters. Reports of rigging, threats, and other forms of electoral malpractice continue to emerge in the post-election period. The Carter Center hopes that the Election Commission will take such complaints by political parties seriously, and investigate, recount, and re-poll where necessary.

Most polling stations opened on time or with only a brief delay and followed the correct procedures. Essential election materials were on hand, polling centers were well-organized for the most part, and election officials observed discharged their responsibilities smoothly. Although it was required that at least one member of the polling station staff be female, there were very few female polling officers. Polling station layout respected voter secrecy and indelible ink was correctly applied to inhibit multiple voting. However, Carter Center observers reported some instances of various kinds of electoral fraud such as underage voting, multiple voting, and voter impersonation, as well as isolated instances of polling officers refusing to report electoral malpractice out of fear of retribution from a particular party or individual.

Candidate and party agents from multiple parties as well as domestic observers were present in nearly all stations visited. The security presence of national police was visible but not intrusive.

Party tables located outside the 100 meter restricted area around polling stations were visible at a number of locations. Carter Center observers were informed by party officials, polling staff, and security forces present that these tables were intended to facilitate the polling process by locating voter names on the voter list. However, these tables were staffed by party supporters, often displaying party insignia, thus potentially hindering the secrecy of the vote, and in some cases providing voters with inaccurate information about their right to vote.

Finally, the Carter Center is concerned about several important election procedures and hopes that Nepal will review these before future elections. These include the provision allowing candidates to stand for election in two constituencies, the absence of a required consistent check for voter identification, the absence of candidate or party names on ballot papers, the absence of a provision for spoiled ballots, the use of unranked closed party lists for the proportional representation ballot, the use of centralized ballot counting at the district level, and the provision that counting can begin only after all ballot boxes from a particular constituency arrive at the counting center.

Counting and Results

Nepal's choice of ballot counting at district counting centers requires special care to ensure the counting procedure remains accessible to party agents and observers. The procedure calls for mixing ballot papers from multiple polling stations and The Carter Center has been informed that official results are unlikely to be available for at least several days.

In the meantime, The Carter Center calls on Nepal's political leaders to send clear, unequivocal public messages to remind their supporters to respect the electoral process and to await with patience the announcement of final, official results. The Carter Center hopes any concerns or petitions arising from the conduct of the election will be resolved openly and quickly and that political parties and observers will work together so all sides can accept the final results with confidence.

The challenges for Nepal will continue. Political leaders will have to move decisively to establish working mechanisms for the constituent assembly to enable it to fulfill its core responsibility to draft a new constitution in accordance with the wishes of the people of Nepal. Public safety, security sector reform, economic development, the promotion of human rights, inclusivity of marginalized groups, implementation of previously signed agreements, and the strengthening of national institutions are among the key areas requiring action.

The Carter Center will continue to follow the ongoing ballot counting process and announcement of official results. Additional public statements may be issued and The Carter Center will produce a final report of overall findings. The Carter Center conducts its election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct adopted at the United Nations in 2005.

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. The Center has observed 69 elections in 27 countries. To learn more about The Carter Center, please visit: www.cartercenter.org.