

Background

Nepali politics is at a critical juncture. Following a decade-long period of violence and social unrest, an eight-party alliance has been charged with institutionalizing the political achievements of the people's movement from 2062-2063 to guarantee a democratic state, which upholds the rule of law and civil rights.

To make this happen, Nepal aims to elect a constituent assembly (CA) with the task of ushering in a new era of sustainable peace. As such, it is essential that Nepal can conduct free and fair elections, which accurately represent the voice of the people. Given the current lack of confidence and cooperation among the parties of the eight-party alliance, conducting free and fair elections remains a significant challenge. However, we believe that civil society has a role to play in rising to this challenge and, as a result, have formed the National Election Monitoring Alliance (NEMA).

This organization will work across Nepal to promote free and fair elections by coordinating non-partisan civic monitoring at the forthcoming CA election.

Presently NEMA is engaged in pre-election monitoring. As a part of the monitoring reports it produces periodic reports analyzing the events and the situations.

The first report on situation analysis is being produced based on following fundamentals:

1. Political agreements and consensus between the eight parties
2. The Interim Constitution
3. Implementation Comprehensive Peace Agreements
4. Arms Management Agreement and the Mandate of the UNMIN
5. Recommendations and suggestions made by the Election Commission
6. Official decision and version of the political parties regarding CA Election
7. Past experiences and international practices

The Area of the monitoring is as follows:

- * Activities carried out by the Government
- * Activities carried out by Legislature Parliament
- * Activities carried out by the Election Commission
- * Activities carried out by Political parties
- * Medias
- * Election Legislatures



* Comprehensive of Peace Agreement and others

* UN Agencies and their mandate

Organizations working to support election process and monitor

1. Amendment on Interim Constitution

There is still remaining the amendment of the constitutional provisions of the Interim Constitution regarding the CA election. There is no political consensus has been developed to amend the Constitution. For making a political consensus the eight political parties delay to have their regular meetings and just has started the meeting but the consensus could not be made yet. It is highly essential to develop cordial and cooperative relation among the political parties to make political consensus on issues and agendas. Parliament is also still could not continues its business.

2. Security Situation

Security situation is the prior issue for conducting election process but the security situation is not satisfactory yet. Terai Janatantrik Morcha (Goit and Jwala Singh group), Madheshi Janadhikar Forum, Chure Bhawar Ekta Samaj, Maoist sister organization Young Communist League and others several groups activities have created a big challenge to establish peace and security. Such activities like kidnapping, threats, general strikes have created more difficulties to improve the situation.

In some districts in Terai, Election Commission could not be able to run its offices normally because of the threat from different actors. Political parties are also facing threats and have not easy access for assembly and mass movement. The situation of law and order is still not favorable to hold free, fair and fearless elections. So, government, political parties, civil society and security body have to play effective role to maintain security.

3. Election Laws

According to the election commission altogether 6 Acts, 6 Regulation and 25 directives are necessary for CA election. The house have passed three laws i.e. Election Commission Act, 2063, Election (Offence and Punishment) Act, 2063 and Electoral Role Act, 2063 only and Constituent Assembly Election Act, Constituent Assembly Court Act and Constituent Assembly Member Act are still remaining to pass from the parliament. Only two regulations out of six have been prepared i.e. Voters List Regulation 2063 and Political Parties Registration (For election provision) Regulation 2063. Constituent Assembly Election Regulation, Constituent Assembly Court Regulation and Constituent Assembly Member Regulation are yet to be prepared. Furthermore, only 3 out of 25 directives have been prepared i.e. Voter Registration officer's Directives, 2063, Assistant Voter Registration officer's Directives 2063, and Enumerator's Guide, 2. The Election Commission asked to the Govt. to complete all laws,



regulations, directives and code of Conduct before announcing the election date for CA. The Commission announced a deadline for completing legislature by mid-June and prescript the poll date for 3rd week of November 2007.

National Election Commission has prepared and completed the Voter and Civic Education Policy, 2063 for Constituent Assembly Member Election.

4. Constituency Dileneation

The Government was formed an Election Constituency Dileneation Commission in the chairmanship of former justice hon'ble Arjun Prasad Singh, former justice of the Supreme Court of Nepal. The commission handed over its report to the government but is not disclosed yet and recommendations are also in dilemma. Maoist and Madheshi parliamentarian are agitating to disintegrate the recommendations of the commission. Because of the agitation inside parliament the house is not able to conduct its daily business.

5. Electoral System

The Comprehensive Peace Agreement and the Interim Constitution clearly stated that the CA polls would be based on mixed system. The Election Commission is also working on the same ground some political parties are putting their views against it. It is highly essential to finalize the electoral system early to conduct activities for CA Election.

6. Parties Registration

Altogether sixty-two parties have applied for registration in the Election Commission. Fourteen out of sixty-two are participating in the parliament, they needless to submit ten thousands voters signature but rest of all aught to have. The Election Commission is not now engaged in signature verification. It may take one more month to verify the entire signature Election Commission source said.

7. Voters List

The Election Commission has stated the problems regarding with voter list collection. Seized voter list, migrant voter's issues, threaten to election's personal and disestablishment of election offices in certain district are major barrier for collecting voter list. The Election Commission has collected voters' list of 17.6 million voters including 250,000 temporary voters. Around 9,700 polling centers have been planned.

8. Government Action plan

It is needless to say that the government will have to complete many things on short time like interim constitution amendment, election date finalization, complete the remaining election laws, program lunch for voters and civic education, improvement on security, talk with different rebel groups and create political consensus between the parties to make a election environment.

Role of political parties



Activities carried out by the major political parties seems that they are not serious on the matter of the CA polls. There are missing major agendas and issues to be completed by the Political parties i.e. political consensus among all for above mention issues and agendas, official decision to be made and passed the policies of the list for the parallel representative system. Develop manifesto and other election related docs are not published and voter's education campaign are not also deployed to the villages and communities yet effectively. Making a political consensus between major parties and intra party democratic exercise is also not functional. Some parties are trying to alliance but the effective measure and mechanism is not established formally. Political parties are not been able to state clear vision of the new democratic Nepal and their role in that process.

10. Role of media and media personnel

Media and media personals have played a very remarkable role to establish democracy in Nepal and role to aware people for the CA polls the mass media could play the significant role. It is expected proactive role in strengthening democracy in course of CA polls. Media also pointing the necessity to increasing public awareness and voters education campaign regarding CA polls.

11. UNMIN and OHCHR

United Nations Mission in Nepal (UNMIN) and Office of the High Commissioners on Human Rights (OHCHR) Nepal mission office have been playing very productive role in monitoring and storing the arms and keepings militias in the cantonments. Their role for promoting and protecting human rights is also remarkable. It is expected to explore partnership with National Human Rights Commission (NHRC) and promote working relation, coordination and cooperation with national Human Rights organizations as well as the organizations working to support and monitor the CA election.

12. Legislature Review

The laws related to the CA polls are not completely passed and most of them are in pipeline. NEMA has started to review the laws which are passed from the legislature parliament and regulations and directives prepared by the EC. The competitiveness of the laws would be tested and report will be published based on Interim Constitution and national and international instruments of human rights and election as well as the best practices around the world.

13. Comprehensive Peace agreements

The agreements including Comprehensive Peace Agreement between seven/eight political parties and Maoist should translated into practice. But the political dilemmas are emerging frequently bec of not respecting them. The comprehensive peace Agreement is one the cornerstones to give a way for political consensus between t



political parties if it is implemented.

