

## RAPPORTEUR'S REPORT OF THE SEMINAR<sup>1</sup>

Mr. Chairman,  
Distinguished Participants,  
Ladies and Gentlemen

The Center for Economic and Technical Studies (CETS)-Nepal in cooperation with the Friedrich Ebert Stiftung (FES)-Nepal organized a two-day (July 07-08/07) national level seminar on "Issues and Challenges of Electoral Reforms in Nepal" at the Administrative Staff College, Jawalakhel, Lalitpur.

The basic objective of the seminar was to extend support to Election Commission (EC) in identifying some of the core issues in electoral reforms and educate the common mass of the Nepalese population about the need of their participation in the Constituent Assembly (CA) and other national and local elections to come. Specific objectives of the seminar were to:

- Promote election system and democracy in Nepal
- Share experience of foreign countries who have successfully conducted CA Elections in the past
- Strengthen election administration and autonomy of EC;
- Create conducive environment for the control of election expenditure;
- Judge the contribution of political parties in improving the electoral process in Nepal; and
- Present the importance of political institutionalization.

Mr. Chairman, highly qualified scholars also noted that mass participation in the election is equally important as it provides legitimacy. However, western democracies in this case are not to be taken as perfect examples as they have fewer turnouts because the states of democracy in those countries already were in an institutionalized state. In our case, we are in the process of institutionalizing democracy thus we seek mass participation. Apart from mass participation, the chosen representatives must reflect the overall population distribution according to the part occupied by various ethnic groups, their culture, religion they follow, language they speak and etc. Thus the most difficult part of any election is to ensure inclusiveness in a society where there are more than one hundred various ethnic groups. And that the elections do not have unique solutions, they have to be understood according to the background they are being conducted. Foreign experiences in this regard are always welcome but our past experience of holding local level elections shows that the grass root representations has always been inclusive. Lessons can be learnt from the local level and implemented in the central level.

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<sup>1</sup> This Rapporteur's report is prepared by Niraj Aryal, Journalist

Mr. Chairman, from the participants who had experience in drafting the constitution and holding the General Elections after democracy was reinstated back in 1991, held that the Constitution of the 1991 was also called as the most democratic/comprehensive/advanced constitution in the entire South Asian region. The problem with that constitution was that it had no provision to tackle the Maoist led insurgency. And now the CA election is a means to draft laws governing the state that will unlock the political deadlock engulfing the nation since more than a decade. As CA elections are very important, it is mandatory on the Government's part to ensure that it is not held in a chaotic environment for it will have no legitimacy in the end. Pertinent issue at present is also to address the pressing demands of the currently agitating groups so that the CA polls are conducted in a favorable environment.

***Some noteworthy comments, beside others are as follows:***

- Nepal is in the midst of India and China and the impact of elections in those countries had a spillover effect on the conduct of elections in Nepal too. In India, elections are held regularly but in China there has been no elections, the impact thus could well be seen in the Nepali case.
- Democracy cannot be in possession of a single party, whole society is the stakeholder of the system
- Political consciousness is too high in Nepal, social consciousness is growing as well, and however, what we need at the moment is building economic consciousness.
- If CA becomes unsuccessful there are other ways too. The CA Elections itself can be an iterative process until it gives full sovereignty to people and ensures broader inclusive society. The Maoists were the one to demand CA elections primarily.
- The 1999 general elections, wherein with 6.38% of total votes CPN (ML) could not acquire a single seat in the parliament. This episode could itself pave a way for the proportional electoral representation. The failure of the Majority Based Electoral System is a proof that there is the need for Proportional System of voting. However, the question still remains of the new system, if it will be an all inclusive or not.
- The pertinent question is even in a proportional inclusive system the elected members are themselves qualified enough or not?
- As money is involved in politics there is bound to be corruption. Thus it is an evil that can not be avoided. By formulating code of conducts, the flow of money in politics/elections can be limited.
- The job of the election commission is to process/audit and monitor the flow of money during the election times and devise strategies to punish those who do not follow the code of conducts.
- Election expenditure in Nepal is growing exponentially.

- An expensive democracy/election makes poor people suffer
- In developing society code of conducts are not implemented properly. However, a strong civil society similar to that of South Korea can function effectively to monitor the elections.
- If the CA elections were conducted in total Proportional System instead of a mixed system the election expenses could have been decreased drastically.
- If the candidates are qualified and the voters well educated then the election expenses go down automatically.
- EC must be strong, impose realistic code of conducts, and make its expenses public including those of the candidates.
- Controlling under-table flow of cash, code of conducts targeting the donations coming from the Business Community and impose strong penalties to get rid of all the election deterrents are necessary.
- Election brings development at the local level and is a means for economic boom. Money trickle downs from cities to the local levels during the elections.

Mr. Chairman, majority of the participants expressed that the “Mixed Electoral System” adopted for the Constituent Assembly Polls by the government has very low level of understanding among the laymen and the awareness among the educated mass too seems not satisfying. In this situation, the EC could initiate awareness programs that could well be taken into the nooks and corners of the country to teach the importance of the CA elections and the technicality involved in the voting process.

***Mr. Chairman some of the strong allegations were:***

- Politics of violence continues in the name of YCL(Young Communist League)-Maoist party affiliate, and the traces of peoples’ revolt still remain in the Maoist camp
- ***Democracy plus Monarchy*** and ***Violence plus Monarchy*** should remain out of the democratic process. Country’s future should be free of ***Monarchy and Violence***
- The Maoists cannot give up their liking to Stalin and Mao and by following their ideologies they cannot be considered as a democratic force thus their faith in the election process is still doubtful.
- Present chaos in the country demands unity, solidarity and democracy by fighting against the communal forces and the reactionary elements. The Statelessness is adding to the ever deteriorating law and order situation, which is creating adverse condition for the CA elections.
- The Political parties are living in a dilemma between a Republican setup and a Ceremonial monarchy. The Maoists are still indulged in the politics of violence. In this scenario the question is after all who want elections?
- Political instability of the past is linked to the election system failures.

- There is a “sticking to power tendency” among the politicians and if through the elections are we legitimizing the leaders or is it meant for empowering the people?
- The Interim Parliament is clearly an illegitimate one and the Government too is with no peoples’ mandate. Question thus could be asked as to how the election conducted by the illegitimate body is a legitimate one?
- The CA election is a ploy to prolong the life of the present government.
- The so-called democratic parties do not practice internal democracy and broader inclusive representation.
- There is clearly a lack of full preparation for the November polls. The election has been postponed from June to November and there is a suspicion that it awaits yet another deferral.
- There is clearly a tacit understanding over the issues of power sharing but political agenda pose to be a factor of discontent among the EPA (Eight Party Alliance) partners.
- Giving credit only to the Maoists’ Party for the federal structure is too objectionable, it was the Sadvawana Party that brought the demand for Federal System first.
- 3-G factor: ***Gun, Goonda and Gold*** still prevails in Nepali politics.
- The findings of the Election Constituency Delineation Authority still pose to be a major stumbling block to the conduct of the CA polls.
- The formation of ECDA (Election Constituency Delineation Authority) itself is faulty as there are no experts in the panel.
- In some public appearances election commissioners themselves remained unaware of the CA election process, this describes the state of awareness of the CA polls among the laymen.
- Controlling corruption within the Election Commission is an uphill task.
- The Election Commission in Nepal is full of political activists thus to expect impartiality during the polls is remote, if not impossible.

Mr. Chairman, with so many differences among the participants over the current state of politics and the future of Democracy in the country, there was also the consensus that the CA Election could well be the panacea for the current social/political/economical ailment the country is presently plagued with.

Mr. Chairman, the seminar also concluded that Election is a renewable process; however, the CA election in particular is not frequently happening process, for it comes only after an era that aims at setting up country’s future political course, thus understanding the CA process is the most important.

Finally, Mr. Chairman, I would like to wind up my appraisal by saying that Election is the only available process for transforming a conflict ridden society towards peace

and prosperity in a democratic way. Thus the election that ensures broader participation in a diverse society like Nepal could only institutionalize democracy and pave way for economic prosperity.