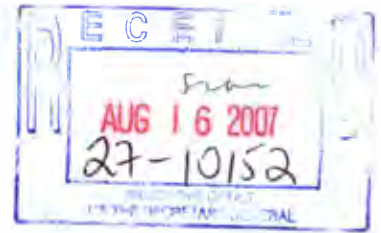


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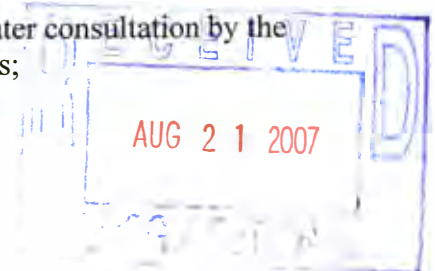
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Note to the Secretary-General

NEPAL: SECOND ASSESSMENT REPORT OF
THE EXPERT MONITORING TEAM



1. The Electoral Expert Monitoring Team (EEMT) on the electoral preparations for the Constituent Assembly (CA) election held its second visit to Nepal between 27 July and 6 August 2007. In accordance with the working procedures established for the EEMT, assessment reports have to be sent to you at the end of each mission through the UN Focal Point on Electoral Assistance Activities (USG/Political Affairs).
2. The EEMT's second assessment report focused on four main areas of electoral preparations: the security environment; the development of a legal framework; the electoral administration; as well as the overall views at national and international level.
3. Regarding electoral security, the EEMT considers that the situation has not improved in the last month. It concludes that, in order to reverse this tendency, agreements between political parties and clear instructions to their activists "can create peaceful conditions for the poll and positively contribute to the acceptance of results."
4. The EEMT also highlights in its assessment report that the electoral administration and the development of the legal framework by the Election Commission (EC) are well underway. However, several important administrative and legislative issues are still to be addressed such as the laws on political parties and the CA Election Court, and the provision of communication and transportation resources.
5. Further findings relate to civil society and the international community:
 - a) The continuing intimidation of journalists prevent the full exercise of basic press freedoms;
 - b) The opportunity for women to participate in the election is still dependent on their social level and women's lobbies are still divided; and
 - c) The prevailing security concerns may have a negative effect upon the donors' commitment to the electoral budget.
6. In light of these findings, the EEMT makes several recommendations, *inter alia*, to the political parties and the EC:
 - a) Expression by the political parties, including through a joint statement, of their firm commitment to the holding of the CA election on 22 November 2007 and to the improvement of security conditions;
 - b) Timely finalization of electoral procedures through greater consultation by the EC with political parties and other electoral stakeholders;



United Nations



Nations Unies

Executive Office of the Secretary-General
Cabinet du Secrétaire général

To: Mr. Nambiar,

Please find attached a note from Mr. Pascoe to the Secretary-General, requesting his approval of the second report of the United Nations Electoral Expert Monitoring Team on Nepal (EEMT).

The EEMT found that the electoral administration and the development of the legal framework are well underway, though the security environment remains concern. Also of concern are risks of inadequate press freedoms, women's participation, and donor commitment. The EEMT made several recommendations, including for a joint statement by political parties to express firm commitment to the November elections, timely finalization of electoral procedures, and enhanced information dissemination and training.

Upon approval by the Secretary-General, the report will be shared with relevant Nepalese authorities.

A handwritten signature in black ink, appearing to read "Nicholas Haysom".

Nicholas Haysom

17 August 2007

Cc: KWS
27-10152

Approved on behalf
JLH 59 b. p. m. 20/8

- c) Conduct of a **training and information dissemination** programme for voters, journalists and political parties on the new electoral system and its political implications.
7. **Further to your decision, the assessment report will be shared** with the relevant Nepalese authorities. **UNMIN** will encourage the authorities in Nepal to implement the recommendations.

for

B. Lynn Pascoe
16 August 2007



NEPAL
ELECTORAL EXPERT MONITORING TEAM
SECOND ASSESSMENT REPORT

27 July 27-6 August 2007

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Approved on behalf of the
Secretary General

65/Jan/ha
20/08

EXECUTIVE SUMMARY

Introduction

1. This is the second assessment report by the UN Electoral Expert Monitoring Team (EEMT) on the electoral preparations for the Constituent Assembly (CA) election in Nepal. The main purpose of the report is to assess the state of the preparations for election one month after the polling date was formally announced for November 22. The EEMT is composed of Rafael López-Pintor (Spain) as team leader, Antonio Reis (Brazil), Ayman Ayoub (Syria), Bong-Scuk Sohn (South Korea) and Stefanie Lüthy (Switzerland). The EEMT visited Nepal from 27 July to 6 August 2007.

2. The second report focuses on four main areas of electoral preparations: a) the security environment; b) the development of legal framework; c) the electoral administration; and d) public opinion and overall sentiment towards the election with special reference to the views among traditionally marginalized communities, women in politics, media environment and the international community.

Assessment

3. Despite precarious security conditions, the Electoral Commission's (EC) preparations are well underway. Much strategic and substantive planning is completed. The EC structures down to district level are installed and electoral activities are either in preparation or already in the implementation stage. Nevertheless, with less than 100 days until polling day and the workload increasing as the process evolves, there is an urgent need for all relevant players to act on pending electoral administrative issues and to streamline the process. Some important decisions, mostly in regard to appointing returning officers and polling center staff, procuring electoral material and implementing operational plans, need to be made quickly in order to allow the EC to move the election administrative process ahead in a sound, smooth and timely manner.

4. The conditions for freedom of the press still prevail in the country. However, the ability of journalists to report and publishers to distribute their publications faces serious limitations. Although the number of incidents has substantially decreased in comparison with the last visit of the EEMT, journalists continue to be openly threatened and intimidated. No attacks were reported against journalists but armed groups in the Terai region keep sending press releases for publication with threats of "facing the consequences" if they are not published, and reacting with violence when news reports do not fit their interests. Days before the arrival of the EEMT, Maoist union workers had blocked the distribution and circulation of several daily publications for over three days.

5. There seems to be no single unified women's movement in Nepal. The groups - including women's alliances - are often fragmented. There are divisions between long established women groups of upper caste who have linkage to political parties and new advocacy-oriented groups who raise gender issues and also want to change party structures. There are gaps and a lack of joint effort and cooperation between those two main groups on the road to the CA election. Efforts to reach out to women at grassroots' level have been limited. New groups have raised concerns that women from the established elite groups may have a better chance to be included on the PR list.

Recommendations

6. The security environment for the CA election will not be primarily determined by the number of policemen or arms to be deployed, although much work remains to be done on the operational details for election security. Only agreements between political parties and clear instructions to their activists in the field can create peaceful conditions for the poll and positively contribute to the acceptance of results. In this sense, political parties in government are strongly encouraged to issue a joint public statement stating their unified and firm commitment to the conduct of the CA election on 22 November as well as to improving the security conditions for the conduct of the election.

7. The introduction of a new mixed electoral system for the first time in Nepal and the high importance given to the CA election by all stakeholders and the public in general, require increased efforts from the EC to widely communicate and disseminate the main legal instruments for these elections. In addition to the election act, these should include all regulations, procedures, manuals and codes of conduct. The dissemination programme should target all political parties, candidates and media. Public awareness programmes should be widely accessible to the electorate, in order to ensure that all stakeholders participate in the elections in an informed manner.

8. Training workshops for journalists are particularly needed and should also be held at the district level as they are the main disseminators of political information. Such workshops should cover: a) the nature of the electoral system, especially its PR list component; b) the characteristics of a constituent assembly and of constitution building; and c) election reporting.

9. A number of civil society and other organizations are planning to implement parallel voter awareness and voter education initiatives and programmes. In order to ensure consistency and accuracy of information and to avoid the dissemination of misleading messages to the electorate, it is recommended that the NGOs and civil society groups refer to the EC for guidelines and materials to ensure that their campaigns are consistent with the established rules and procedures for the CA election.

10. Women groups need to be ready to engage with the parties to ensure that a number of them are selected as candidates. As it is a fact that there are capable and qualified women within organized groups who can be candidates nominated for the CA election, it is recommended that women groups prepare their own lists to be submitted to political parties to be considered for inclusion as candidates. These lists should originate either from women groups or by prominent women leaders who are highly respected.

INTRODUCTION

11. This is the second assessment report by the UN Electoral Expert Monitoring Team on the electoral preparations for the Constituent Assembly (CA) election in Nepal (EEMT stemming from Security Council Resolution 1740 of January 23, 2007). The main purpose of the report is to assess the state of the preparations for the election one month after a polling date was formally announced for November 22. The EEMT is composed of Rafael López-Pintor (Spain) as team leader, Antonio Reis (Brazil), Ayman Ayoub (Syria), Bong-Scuk Sohn (South Korea) and Stefanie Lüthy (Switzerland). Martin Landi from UNMIN was appointed to provide professional support to the EETM. The team visited Nepal from 27 July to 6 August 2007.

12. The EEMT undertook a field trip to a northern district, Sindhupalchok, and a visit to the Terai districts of Bara and Parsa. In the course of its visit, the EEMT met with local governmental authorities (Chief District Officers and Electoral District Officers) as well as with activists and politicians. Also, the team held several informal meetings with ordinary citizens to ask about their perception of the electoral process. The mobility of the team was affected by the monsoon season.

13. This second report focuses on four main areas of electoral preparations: a) the security environment; b) the development of a legal framework; c) the electoral administration; and d) public opinion and overall sentiment towards the election with special reference to the views among traditionally marginalized groups, women in politics, the media environment and the International Community. The overall question to be answered is whether things pertaining to elections have moved and in what direction since an election date was announced.

14. Despite precarious security conditions, the Electoral Commission's (EC) preparations are well underway. Much strategic and substantive planning is completed. The EC structures down to district level are installed and electoral activities are either in preparation or already in the implementation stage. Nevertheless, with less than 100 days until polling day and the workload increasing as the process evolves, there is an urgent need for all relevant players to act on pending electoral administrative issues and to streamline the process. Some important decisions, mostly in regard to appointing returning officers and polling center staff, procuring electoral material and implementing operational plans, need to be made quickly in order to allow the EC to move the election administrative process ahead in a sound, smooth and timely manner.

SECURITY ENVIRONMENT

15. In post-conflict elections, electoral security primarily depends on the political will of parties to ensure a peaceful atmosphere for campaigning and polling. The issue of how many police is required to ensure a secure environment is a real issue, but should be understood within the context of fundamental political agreements. The main emphasis and pressure will be on political parties to come into agreement and commit to ensure security conditions. The number of security forces should be decided on an as needs basis. In this sense, the Nepal Police has asked for more resources to implement their electoral security plan. The cornerstone of their security plan is to

hire for 75 days an extra force of 70,000 temporary police from among ex-military, ex-police and the general public. In addition, an Armed Police Force exists, which the Government has indicated it intends to strategically deploy into more security sensitive areas (19,000 men force to be reinforced by another temporarily recruited 6,000 men). If serious security threats would arise countrywide during election time, deterrence or counteracting them may not depend as much on the number of units deployed as on the cooperation by and among political parties.

16. The EEMT observed that the security situation has not improved since its last visit in June. The number of murders has not decreased. Kidnappings, extortion and strikes (bandhs) along the country by a diverse number of groups continued and even new threats have appeared. Despite previous commitments to a mixed electoral system and deferring the monarchy issue to the CA decision, the Maoist Chairman Prachanda, said that the party's fifth extended central committee (plenum) decided to support a full proportional representation system for the CA election, and that Nepal must be declared a republic before the poll. Later he clarified that these were the party's positions and not pre-conditions for the participation in the election. The Plenum took place from 3 to 9 August.

17. Regarding traditionally marginalized communities and marginalised groups, two main positive changes took place. One is the increasing accommodation of representation demands by indigenous nationalities. The Nepal Federation of Indigenous Nationalities (NEFIN), negotiated to have 59 seats at the CA – 1 seat each from 59 ethnic groups formally recognized by the government on the PR list. Another significant change is that the Interim Legislature-Parliament on August 3, 2007 passed the Bill to Amend the Civil Service Act 2049 providing for 45 percent of the total posts in the bureaucracy to be distributed to women (33 percent), Janajati (27 percent), Madhesi (22 percent), Dalit (9 percent), physically challenged (5 percent) and backward region (4 percent). The negotiations between the Government and the MPRF that had been stalled for six weeks resumed at the end of July and are ongoing.

18. Notwithstanding the talks, some Madhesi leaders in the Terai expressed strong distrust regarding the real intentions of the government, and some MPRF representatives expressed their intention to start peaceful demonstrations in August without excluding the possibility of boycotting the election later if their demands are not met. In contrast, the government assured the EEMT that these talks would come to a positive outcome regarding the Madhesi main demands. Besides the demands for a fully proportional electoral system and more Madhesi representation in the state administration, amongst the 26 demands are compensation for the families of the activist killed during the Madhesi movement earlier this year, the declaration of those victims as martyrs, the release of criminal charges against activists and the increase of number of Madhesi in local administration.

LEGAL FRAMEWORK

19. The Election of Members of the Constituent Assembly Act, 2064 (2007) empowers the EC to develop and enforce the necessary regulations, procedures and directives to complement its provisions. In fulfilling this legal mandate the EC has already issued the Regulations Relating to Election of the Members of Constituent Assembly. This expands the election act on aspects such as the election programme

(calendar), candidate nomination, allocation of election symbols to political parties and individual candidates, polling and counting procedures, announcement of election results, appointment and accreditation of political parties and candidates representatives. The regulations also incorporate a number of forms to be used for the implementation of related electoral tasks.

20. Detailed procedures to complement the election act and the EC regulations were still in the making during the EEMT second mission in the country. These will include procedures for the nomination of candidates that provide details relating to the implementation of the rather complex system of quotas established in the law for the proportional representation of the various traditionally marginalized communities as well as for women. These nomination procedures are still in an early draft format that the EC will need to discuss and finalize, following consultations with the political parties. Some may also require an amendment to the election act. According to the existing regulations, returning officers are empowered to take final decisions on the nomination of individual candidates for the FPTT race with no appeals procedure. The EC is also working on a set of polling and counting procedures to be included in a comprehensive manual mainly targeting Returning Officers (at the constituency level) and polling officials.

21. Concerning electoral campaigning, there is a provision related to campaign expenses in section 50 of the EC Regulations that confirms the EC mandate to establish a ceiling for campaign expenditures for both, individual candidates and political parties, as well as the parties and candidates' obligation to furnish details of campaign expenses incurred by them. Moreover, the EC will be producing a combined code of conduct to include regulations and rules for government officials, semi-governmental organizations, political parties, candidates, election officials and the media. Contrary to other countries where Codes of Conduct are commitments by political parties, government and the media to abide by certain rules, in Nepal they are an additional legal instrument to establish and apply mandatory procedures, with penalties for violators.

22. On 27 July 2007, the EC formally established a complaints and disputes committee, headed by one of its members, and including four additional members: two from its own staff, one from the ministry of justice and one from the attorney general's office. This committee will be responsible for the development of complaints procedures for approval by the EC, and will undertake the responsibility of dealing with complaints and disputes throughout the process. The committee is expected to start its work with the development of relevant procedures during the coming weeks.

23. The Election Constituencies Delineation Commission, established for the review and establishment of constituencies' boundaries for the CA election, has completed the review of its first report as mandated by the second amendment to the interim constitution. According the Chairperson of the Commission, this second report increases the number of constituencies from 205 to 240, thus adding 35 new single member constituencies. New constituencies have been established in 25 of the 75 districts of the country. 28 new constituencies were created in 20 districts in the Terai plains, where some districts have a majority of Madhesi people, and 7 in 5 of the hilly and mountain districts. The revised report has not yet been officially submitted to the

Prime Minister and no feedback is available. The decisions made by the committee on the new distribution of constituencies and their boundaries are final and may not be subject to appeal. According to the chairperson of the commission, mainstream parties, mainly the eight parties in the government, were consulted during the boundaries delimitation process. However, traditionally marginalized groups do not seem to have been consulted, and the public reception of the reviewed report, which is a vital element in this regard, remains to be seen.

24. There are still two laws pending approval by Parliament, the Political Parties bill and the bill on the CA Election Court. While the law on political parties is not urgent as it has been overcome by events, the interim parliament has tabled the Election Court bill. This court will only have jurisdiction to deal with complaints related to election results.

ELECTORAL ADMINISTRATION

25. The EC initiated a wide range of electoral administrative activities during the reporting period and they are well under way. Regular meetings with political parties and other stakeholders are taking place. A support and information unit for national and international observer groups is being set up. UNDP has been tasked to assist with conceptual work for this unit. In addition, a decision to establish an EC Media Centre has been taken and its implementation is ongoing.

26. With regards to voter education and training activities, comprehensive projects are ready to take off or at the first stages of their implementation. Manuals and materials for these activities are in the final stages of being produced (posters, flip charts, pamphlets and brochures). An electronic media campaign is to start in mid-September with jingles and songs already finalized. Additional cultural activities with dances and street theatre programs are being designed. The EC is also planning to establish a call centre to assist voters with electoral information.

27. Separate election calendars are being developed by the EC for the various units and different phases of the process. The EC has operational timelines for voter education and training of electoral staff. However, a comprehensive operational plan including requirements of all relevant sectors and levels of the election administration needs has yet to be consolidated and finalised.

28. Important procurement issues are being addressed and discussed with relevant stakeholders and proposals finalized for decision making. Also, some donors have expressed their readiness to fund ballot papers and other voting materials.

29. The EC's basic structures at regional and district level are in place. Electoral staff at the lower levels has yet to be appointed. In addition, the EC has submitted the request to appoint the returning officers from the Ministry of Justice. In parallel to the EC's expansion of its field presence, UNMIN Electoral Office is in the stage of deploying the first wave of 46 District Electoral Advisor teams (UNVs). District Electoral Offices are gathering vital operational information such as updated number of polling locations and centers and transmitting the information to regional offices and EC headquarters. Communication to and from the field, especially to remote

areas, is still lacking or is difficult and needs improvement. Transportation needs, means and capacities are yet to be defined and identified.

THE STATE OF PUBLIC OPINION

Mass media environment

30. The conditions for freedom of the press still prevail in the country. However, the ability of journalists to report and publishers to distribute their publications faces serious limitations. Although the number of incidents has substantially decreased in comparison with the last visit of the EEMT, journalists continue to be openly threatened and intimidated. No attacks were reported against journalists but armed groups in the Terai region keep sending press releases for publication with threats of “facing the consequences” if they are not published, and reacting with violence when news reports do not fit their interests. Days before the arrival of the EEMT, Maoist union workers had blocked the distribution and circulation of several daily publications for over three days.

31. Both state and private-owned media are aware of their social responsibilities in informing and shaping the electorate on the coming election. Some talk shows are already discussing the peace process in the context of the CA election and programs are being developed to address the information needs of the voters. However, the lack of voter and civic education materials up to date, comprehensive information on the new electoral system, workshops and seminars for journalists, and the absence of a constant flow of information from the EC have severely limited the ability of the media to inform their audiences and readers on the coming election. Moreover, the information vacuum limits the government and political parties’ ability to spread information on the electoral process. On the positive side, the EC is planning to hold workshops for journalists and to establish a Media Center to improve information flow and to facilitate local and international press. These efforts will be complemented by similar initiatives from civil society groups and journalists associations.

32. Radio is the main means of communication and government-run Radio Nepal is the primary source of information, followed by more than 100 FM community and commercial stations spread over the country.¹ A dozen of TV stations and hundreds of daily, weekly and monthly publications complement the information over a limited geographic area. Internet is still in a developing stage with only around 50,000 subscribers, but most of the main publications are online as well as radio stations with live streams. Radio Nepal, however, has an intense programming planned to cover the election; its strategy involves a replication of programs like the current “Transformation,” a talk show over the phone which focus on issues of peace and election. The station is also bringing trainers from Japan and Holland to improve the quality of coverage and programming, which will be supported by 68 reporters covering all 75 districts of the country in at least five languages. A network of community radios will add 25 new FM stations to the 42 already on air during the

¹ There are 205 licenses for radio and 70 FM stations are already on air, some controlled by political parties (including six by Maoists), according to the Nepal Press Council, a governmental media monitoring institution.

election. Besides special programs during all phases of the electoral process, the satellite-fed network will run a campaign, in cooperation with the Election Commission, of a 10-time a day, five public service announcements in 15 languages.

33. The EC, with the assistance of UNMIN and in consultation with the political parties represented in Parliament and journalists and publisher associations, developed a Code of Conduct for the Media. The current draft of the code for the media incorporates some recommendations made during the last visit of the EEMT, among them the access by all political parties to free airtime on the public electronic media. The code provides for such access allocating different lengths of airtime during the electoral process to each political party taking part in the election under the proportional electoral system in proportion to the total number of candidates fielded by the party. It also establishes that no opinion poll should be "collected" but allows that the result of an opinion poll previously conducted may be announced after completion of polling, without specifying deadlines for the collection of data or the meaning of "previously conducted." The code also prohibits politically paid advertisements.

Women in politics

34. There seems to be no single unified women's movement in Nepal. The groups - including women's alliances - are often fragmented. There are divisions between long established women groups of upper caste who have linkage to political parties and new advocacy-oriented groups who raise gender issues and also want to change party structures. There are gaps and a lack of joint effort and cooperation between those two main groups on the road to the CA election. Efforts to reach out to women at grassroots' level have been limited. New groups have raised concerns that women from the established elite groups may have a better chance to be included on the PR list.

35. Notwithstanding the above, the different groups are developing a diverse array of programs and activities to prepare for the CA poll. They conduct effective voter education and civic education. They also train women candidates for district constituencies. They are very active in lobbying and advocating proper inclusiveness in CA polling. Women groups also preparing and presenting gender policies to major political parties. Although most women groups expressed strong distrust in the eight political parties and the government, they seem to be - if loosely - affiliated or lobbying for one party or the other. They need this affiliation in order to be heard and to hopefully be able to place candidates on the PR lists. A frequent worry among women in politics is fear of intimidation and sexual harassment of female candidates.

The international community

36. Full and strong consensus exists among the international actors present in Nepal in that the CA election should be held as scheduled on November 22. This was an opinion clearly expressed among high representatives of the main regional powers. For example, the EEMT was emphatically told that the Government of India would strongly be against any postponement or cancellation of the November elections, and that this message has been repeatedly passed to relevant local actors.

37. Similarly, there is a consensus that the political parties in government should come out publicly with a joint statement showing a clear commitment to holding the November election on time, and to do their best to improve the security conditions towards a peaceful election. A joint statement is becoming more urgent at a time when a main partner in government (CPN-M) is threatening to revisit its previous agreement on the electoral system and the CA's role in deciding the future of the monarchy, and opts instead for a popular uprising if their preconditions are not accepted by the interim government.

38. Such an unsettling environment sends a powerful message to the public about the likelihood of an election. As long as the political environment remains fluid, it is difficult for a number of donors to decide on their funding commitment for the election budget, and for the Finance Ministry to make the budget operational as requested by the EC.

RECOMMENDATIONS

39. The security environment for the CA election will not be primarily determined by the number of policemen or arms to be deployed, although much work remains to be done on the operational details for election security. Only agreements between political parties and clear instructions to their activists in the field can create peaceful conditions for the poll and positively contribute to the acceptance of results. In this sense, political parties in government are strongly encouraged to issue a joint public statement stating their unified and firm commitment to the conduct of the CA election on 22 November as well as to improving the security conditions for the conduct of the election.

40. Given the fact that the electoral legal framework is defined throughout a number of provisions, it is highly recommended that the EC finalizes the development of a comprehensive and detailed set of procedures for all main steps for the election. Consolidated and clear procedures that provide for all aspects of the electoral process will help ensure clarity and consistency. In addition, this will also enable the EC to implement important training and voter education programmes, and will clarify the “rules of the game” for all stakeholders. It is therefore recommended that the set of detailed procedures is finalized and adopted by the EC and as soon as possible, taking into account that the CA election is less than a hundred days away.

41. The nomination procedures will be instrumental for political parties to comply with the quota system established in the law. Considering that this will require a paramount effort by the parties to implement a new system, it is recommended that the EC consults with all registered parties, as soon as possible, before they are adopted.

42. Clearly defined disputes resolution procedures will help in ensuring a peaceful election. Furthermore, procedures that are developed following a consultative process will ensure stakeholders buy-in and acceptance of disputes resolution mechanisms. It is recommended that the newly established complaints and disputes committee starts the development of such procedures and consultations be undertaken by the EC soon. This would facilitate the implementation of electoral tasks and help the committee to fulfil its duties in addressing complaints and grievances in a standardised and equitable manner.

43. The introduction of a new mixed electoral system for the first time in Nepal and the high importance given to the CA election by all stakeholders and the public in general, require increased efforts from the EC to widely communicate and disseminate the main legal instruments for these elections. In addition to the election act, these should include all regulations, procedures, manuals and codes of conduct. The dissemination programme should target all political parties, candidates and media. Public awareness programmes should be widely accessible to the electorate, in order to ensure that all stakeholders participate in the elections in an informed manner.

44. Training workshops for journalists are particularly needed and should also be held at the district level as they are the main disseminators of political information. Such workshops should cover: a) the nature of the electoral system, especially its PR list

component; b) the characteristics of a constituent assembly and of constitution building; and c) election reporting.

45. A number of civil society and other organizations are planning to implement parallel voter awareness and voter education initiatives and programmes. In order to ensure consistency and accuracy of information and to avoid the dissemination of misleading messages to the electorate, it is recommended that the NGOs and civil society groups refer to the EC for guidelines and materials to ensure that their campaigns are consistent with the established rules and procedures for the CA election.

46. The EEMT encourages the Government of Nepal to provide the financial resources that are necessary for the timely implementation of activities in particular for urgent issues such as the training of journalists, electoral officers and voter education throughout the country. In addition, The EEMT recommends the Ministry of Finance of the Government of Nepal, the EC and donors meet to clarify the necessary budget and contributions.

47. In order to work out in detail and to implement the comprehensive operational plan for distribution of all electoral materials, retrieval of ballots and results after E-day and counting and for other logistic needs, it is suggested that the EC consider strengthening the office of the Secretary General as the Chief Election Manager at the national level and strengthening the logistical capacity at regional level

48. It is recommended that the EC consolidates its election timelines into a unified and comprehensive operational plan to cover all phases and activities of the CA election.

49. Women groups need to be ready to engage with the parties to ensure that a number of them are selected as candidates. As it is a fact that there are capable and qualified women within organized groups who can be candidates nominated for the CA election, it is recommended that women groups prepare their own lists to be submitted to political parties to be considered for inclusion as candidates. These lists should originate either from women groups or by prominent women leaders who are highly respected.

50. Based on serious distrust of the government and the eight political parties expressed by the different groups, more frequent and meaningful dialogues between different women groups/civil society and government/major political parties are necessary.

51. Because the fundamental principle of election demands a full participation of all sectors of society in a transparent and balanced process, the EC should consider allocating equal free airtime, rather than proportional to the number of candidates fielded by a party, to all political parties registered for the election in their access to state-owned electronic media.

52. In developing, discussing and drafting the Code of Conduct for the Media, all those directly involved or affected by it should be consulted, as well as all political parties registered and not only those represented in Interim Parliament.

53. Opinion polls, when responsibly, properly run and scientifically prepared and presented, are of public interest because they not only provide trends on political preferences but also indicators on social issues and concerns. The EC might consider allowing the publication of opinion polls up to a reasonable time before polling day (e.g. two to three weeks).

54. The use of Exit Polls, or the interviewing of voters and projection of their party preferences on polling day, can have a potentially negative impact due to unpredictability and lack of scientific basis to be considered a statistical tool. In a high majority of cases, projections are off target or simply wrong, creating conflicts in results and serving as a source for potential violence if such polls are not compatible with official results. The Election Commission should consider including in the Code of Conduct a specific clause prohibiting Exit Polls or, in an extreme case, establishing rigid rules and responsibilities (like times of announcements, clear information to voters on how such polls are obtained and conducted, and disclaimers) for those resorting to such practice.

55. The Election Commission might consider allowing paid political advertisements within the limits of election expenses as established by regulations.

ANNEX 1

EXPERT TEAM BIOS

Rafael López-Pintor (Spain) is International Political Consultant; Ph.D. in Political Science by the University of North Carolina in Chapel Hill, and Doctor of Law by the Universidad Complutense of Madrid, Spain. Former tenured professor at the Universidad Autónoma of Madrid. Consultant to the UN, EU, OSCE, USAID, IFES, International IDEA among other organizations.

Ayman Ayoub (Syria) is International Electoral and Legal Consultant. He has performed consultancies on behalf of the UN, EU, USAID, IFES and others international organizations, and currently works as a Senior Consultant to International IDEA. His work included missions in a number of countries and post conflict elections in the Middle East, Asia, the Pacific, Africa and East Europe.

Antonio Reis (Brazil) is an International Electoral Consultant, with a Masters Degree in International Public Policy, Johns Hopkins University. He is a former Special Advisor to the Secretary General of Organization of American States (OAS) and was a consultant for the World Bank, UN, EU, ERIS and other organizations. He headed electoral observation missions and worked in electoral activities in several countries of the Americas, the Middle East, Africa and Asia.

Stefanie Lüthy (Switzerland) is consultant for UN EAD and member of the Pool of Experts for Peace-building Operations of the Swiss Foreign Ministry. She has participated in many UN and OSCE/ODIHR missions as electoral expert and as coordinator of international observers, such as UNOMSA, UNMOT UNOMIL, MINURCA, UNTAET, UNAMSIL and OSCE/ODIHR Mission in the Balkans, Caucasus and Central Asia.

Bong-Scuk Sohn (Republic of Korea) is a member of the Korean National Assembly. She has been a Commissioner in the National Elections Commission of the Republic of Korea (1997 to 2003), and has been involved in UN missions in East Timor as Commissioner (1999) and Chair in the UN Independent Electoral Commission (2001). President of Center for Korean Women and Politics.

ANNEX 2

LIST OF CONTACTS

- The EEMT conducted 43 meetings from 27 July to 6 August 2007. The team met with 103 representatives from UNMIN, UNDP, OHCHR, Nepal Government (Ministers, Parliament, Electoral Commission, District Offices), Political Parties, leaders of traditionally marginalized communities, journalists, intellectuals, NGOs, women groups, national and international observers groups, international organizations, security forces (AFP and Nepal Police) and Embassies.
- The EEMT undertook two field visits given the brief number of days and the limited mobility during the monsoon period: to the Northern District of Sindhupalchok and one to Parsa in the Terai.

United Nations

1. Mr. Ian Martin, SRSG UNMIN
2. Mr. Samuel Tamrat, DSRSG
3. Mr. Matthew Kahane, UNDP Resident Representative
4. Mr. John Norris, Chief Political Affairs, UNMIN
5. Mr. John Bevan, Chief Civil Affairs, UNMIN
6. Ms. Fida Nasrallah, Chief Technical Adviser (CTA), UNMIN
7. Mr. Jörg Frieden, Senior Advisor to Peace Support Nepal
8. Mr. Alessandro Righetti, Electoral Focal Point, OHCHR
9. Mrs. Diana Baker, Political Affairs Officer, UNMIN
10. Mr. Antonio Spinelli, Capacity Building Unit, UNDP
11. Mrs. Marie-Violet Cesar, Electoral Observers Coordinator consultant, UNDP
12. Dr. Sean Deely, Sr. Peace & Development Advisor, UNDP
13. Ms. Catinca Slavu, Coordinator Consultant, UNMIN
14. Stephen Beale, Deputy Technical Advisor, UNMIN
15. Bruce Hatch, Senior Technical Advisor, UNMIN
16. Mrs. Gabriella Bernasconi Walker, Training Advisor, UNMIN
17. Mrs. Svetlana Galkina, Voter Education Advisor, UNMIN
18. Mr. Carlos Currie, Logistical Advisor, UNMIN
19. Mr. Maarten Half, Legal Advisor, UNMIN
20. Mr. Panto Letic, Field Support Advisor, UNMIN
21. Mr. Ricardo Barranca, Media Advisor, UNMIN
22. Kåre Vollen, Legal Consultant, UNMIN
23. Seira Tamang, Civil Affairs Officer, UMIN
24. Bandita Sijapati, Civil Affairs Officer, UNMIN

Government of Nepal

Executive Power

25. Mr. Ram Chandra Poudel, Peace and Reconstruction Minister

Parliament

26. Mrs. Chitralekha Yadav, Deputy Speaker of the House

Electoral Commission

- 27. Mr. Bhojraj Pokharel, Chief Electoral Commissioner
- 28. Mrs. Usha Nepal, Electoral Commissioner
- 29. Mr. Neil Kantha Uprety, Electoral Commissioner
- 30. Mr. Dolakh Bahadur Gurung, Electoral Commissioner
- 31. Dr. Ayodhee Prasad Yadav, Electoral Commissioner
- 32. Mr. Sushil J.B. Rana, Acting Secretary
- 33. Mr. Iswari Prasad Ghimire, District Electoral Officer (DEO), Parsa
- 34. Mr. Sabin Raj Dhakal, District Electoral Officer (DEO), Sindhupalchok

Nepal Police

- 35. Mr. Rabi Shrestha, AIG
- 36. Mr. S.K. Mishra, Sub-Inspector

Armed Police Force (APF)

- 37. Mr. Ambar Nembang Subba, AIGP

Chief District Officers (CDO)

- 38. Mr. Deepak Kumar Joshi, Chief District Officer, Parsa
- 39. Mr. Narayan Baral assistant to CDO, Sindhupalchok

Political Parties**Nepali Congress (NC)**

- 40. Mr. Sushil Koirala, Vice-President
- 41. Mr. K.B Gurung, General Secretary
- 42. Mr. Ram Baram Yadav, Joint General Secretary and MP
- 43. Mr. Laxmand Prasad Ghimire, CCN
- 44. Mr. Haribar Dhad, MP

CPN (UML)

- 45. Mr. Madhav K. Nepal, General Secretary,

Nepal Congress Democratic (NCD)

- 46. Mr. Sher Bahadur Deuba, Chairperson of Nepal Congress Democratic Party
- 47. Mr. Prakash Sharan Mahat, Central Leader, Nepal Congress Democratic Party

Journalists

- 48. Mr. Mahendra Bista, Secretary General, Federation of Nepalese Journalists
- 49. Mr. R. B. Khatry, Executive Director, Federation of Nepalese Journalists
- 50. Mr. Yubaraj Puri, Federation of Nepalese Journalists (Sindhupalchok)
- 51. Mr. Pabitra Kumar Khadka, Federation of Nepalese Journalists-
Sindhupalchowk
- 52. Mr. Dhruva Dangol, Federation of Nepalese Journalists (Sindhupalchok)
- 53. Mr. Dinesh Thapa, Federation of Nepalese Journalists (Sindhupalchok)
- 54. Mr. Tikaram Dahal, Federation of Nepalese Journalists (Sindhupalchok)
- 55. Mr. Kailash Sirouya, Chairman, Kantipur
- 56. Mr. Ram Saran Karki, Executive Director, Radio Nepal

57. Mr. Rajendra Sharma, Deputy Executive Director, Radio Nepal
58. Mr. Gopal Guragain, Managing Director, Ujyaalo National Network (UNN) (Communications Corner)
59. Mr. Rajindra Dahal, Chairman of Nepal Press Council
60. Mr. Mukunda Acharya, Member Secretary of Nepal Press Council

Civil Society, NGO and Academics

61. Mr. Sushil Pyakurel, former commissioner of the National Human Rights Commission and civil society activist.
62. Dr. Mohan Man Sainju. Director, Institute for Integrated Development Studies (IIDS)
63. Mr. Arjun Prasad Mishra, Former Head of Election Constituency Delineation Committee
64. Mr. Hari Prasad Uprety, Vice- president, Nepal Bar Association
65. Mr. Bhabishwor Gurung, Central Committee, Nepal Bar Association
66. Mr. Bal Krishna Dhakal, Central Executive Member, Nepal Bar Association
67. Ms. Neeta Gautam, Central Executive member, Nepal Bar Association
68. Mr. Satish Krishna Kharel, Senior Legal Advisor, Asia- Pacific Programme, International Commission of Jurists
69. Mr. Hari Pyual, Lawyer, Asia- Pacific Programme, International Commission of Jurists
70. Mr. Prakash Mani Sharma, Executive Director, PRO PUBLIC forum for Protection of Public Interest
71. Dr. Yubaraj Sangroula, Executive Director, Kathmandu School of Law (KSL)
72. Mr. Kumar Acharya, Center for Legal Research Resource Development (CELRrd)
73. Mr. Mukti Rijal, Center for Legal Research Development (CELRrd)
74. Dr. Sumitra Manadhar Gurung, Chairperson, National Coalition against Racial Discrimination (NCARD)
75. Mr. Sabin Shrestha, Forum for Women, Law and Development (FWLD)
76. Mr. Bishwanath Prasad Yadav (B.P. Yadav), Vice Chairperson, National Coalition against Racial Discrimination (NCARD)

Marginalized Communities Representatives

77. Mr. Atma Ram Sah, Madhesi Activist
78. Mr. Jitendra Sonal, MPRF Central Member, Chairman, Youth Front
79. Mr. Bhagyanath Gupta, MPRF Central Member
80. Mr. Chandra Kishor Jha, Journalist/Madhesi Activist, Editor of the *Terai Magazine*
81. Mr. Krishna Murari Rauniyar Former vice-chairman (NC) of Birgunj Municipality
82. Mr. Shital Prasad Mahato, Center for Social Research
83. Mr. Indu Shekhar Mishra, Madhesi Academician/Activist
84. Mr. Nijamuddin Sumani, NSP (A) District Chairman
85. Dr. Om Gurung, NEFIN

Women's Groups

- 86. Mrs. Sapana Pradhan- Malla, President (Advocate), Forum for Women, Law and Development (FWLD)
- 87. Ms. Sangita Lama, Working Women Journalists (WWJ)
- 88. Ms. Sarita Giri, NSP; Center for Women and Politics,
- 89. Ms. Stela Tamang, Federation of Nepalese Indigenous Women (NIWF)
- 90. Ms. Durga Sob, Feminist Dalit Organization (FeDO)
- 91. Ms. Chandan Thapa, Program Officer; Women's Alliance for Peace, Power, Democracy and the CA (WAPPDCA)
- 92. Ms. Meena Shah, Program Officer; Women's Alliance for Peace, Power, Democracy and the CA (WAPPDCA)

Embassies

India

- 93. 110-Mr. Shiv Shanker Mukherjee, Indian Ambassador

China

- 94. Zheng Xianglin, Chinese Ambassador to Nepal
- 95. Shan Yiduo Political Officer

United States

- 95. Mr. Robert. L. Hugins, CDA
- 96. Mr. John Q. Adams, Director, Regional Environment Office for South Asia and Acting Political/Economic Section Chief

United Kingdom

- 96. Dr. Andrew Hall Obe, British Ambassador
- 97. Mrs. Jemima Gordon-Duff, Political Officer

International Organizations and Observers Groups

IFES

- 98. Ben Goldsmith, Senior Electoral Advisor

The Asia Foundation

- 99. Mrs. Brenda Norris, Program Officer
- 100. Ms. Asha Gosh, Senior Program Officer

NDI

- 101. Dominic Cardy, Resident Director

International IDEA

- 102. Ms. Leena Rikkila, Programme Manager

Carter Center

- 103. Mr. Darren Nance, Country Director