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Approved on behalf of the Secretary-General.


Vijay Nambiar
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ELECTORAL EXPERT MONITORING TEAM

FOURTH ASSESSMENT REPORT

3 – 17 March, 2008

United Nations



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Executive Office of the Secretary-General
Cabinet du Secrétaire général

⚠ URGENT

To: Mr. Nambiar,

Please find attached, the fourth assessment report of the electoral expert monitoring team. All that is required is that the SG approves that the report be shared with the Nepal authorities. ||

The report is fine (with minor changes).

A handwritten signature in black ink, appearing to be 'NH' followed by a long horizontal stroke.

Nicholas Haysom
2 May 2008

Cc: KWS

28-03698

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EXECUTIVE SUMMARY

1. This is the fourth assessment report by the UN Electoral Expert Monitoring Team (EEMT) on the electoral preparations for a Constituent Assembly (CA) election in Nepal. The EEMT was established by the Security Council Resolution 1740 of 23 January 2007 and the Secretary General's report of 9 January 2007 (S/2007/007) with the mandate to review all technical aspects of the electoral process and submit reports on the conduct of the election. The report is to ascertain democratic benchmarks against which the preparations for elections can be assessed in terms of international standards.
2. The election preparations evolved in a timely manner, the legal framework is now in place and the security situation has improved since 5 October 2007, when the electoral process was suspended *sine die*. A new date for the election—10 April 2008— was announced and the EEMT considers that, currently, the conditions exist for the Nepali people to go to polls to elect the Constituent Assembly that will write and enact a new Constitution for the country.
3. Despite the improvement of the security situation after the ruling Seven Party Alliance (SPA) Government signed agreements with the United Democratic Madhesi Front (UDMF) and the Federal Republican National Front (FRNF) in late February and early March, there are still concerns about the maintenance of a peaceful and orderly environment before, during and after the election. The last few days of the EEMT visit were marked by an intensification of violence and harassment against candidates, disruptions of the electoral process by violating the people's right to assembly and obstruction of political parties to freely conduct their campaigns. Also, armed groups in the Terai, which have been inactive since the signing of the agreements, warned of new activities that may disrupt the election.
4. The Election Commission (EC) continues to enjoy broad public acceptance and respect as an independent constitutional body and has made efforts to accommodate the interests of several political actors in order to have a more diverse representation among the candidates. The deadlines for submitting party lists of candidates for the proportional representation (PR) contest were extended twice to ensure the highest possible level of inclusiveness. However, women and marginalized groups interviewed by the EEMT in general expressed disappointment that their candidates have not been sufficiently considered by the mainstream political parties.
3. The Election Code of Conduct for political parties and candidates, the Government of Nepal, electoral staff and the media, which had been suspended after the postponement of the CA election, was again brought into force amidst charges by some political parties of illegal use of state resources by candidates, harassment of and attacks against candidates during campaign activities, and use of public spaces for political propaganda.
4. The media continued to enjoy a high degree of freedom, although the Federation of Nepali Journalists continued to register cases of harassment and physical threats against media professionals. However, these cases were much fewer in number than those reported during past EEMT visits. Although the monitoring of the media started on 9 March, when the Code of Conduct for the media was enforced the results so far do not offer a clear picture of the political and electoral coverage.
5. The printing of ballots intensified to meet a tight printing schedule. The process experienced some technical problems as result of the extensions of the deadlines for submission of candidates' lists. Just one day after an EEMT visit to the printing facilities, three machines broke down and around 200,000 ballots were incorrectly numbered. The printing activities were proceeding well at the time of writing of this report.

6. Voter education is ongoing throughout the country with distribution of electoral outreach materials and door-to-door information. The political parties are also informing their supporters on the electoral process during their campaigns. However, despite considerable effort to reach voters, it would be difficult to explain the complex electoral system in simple terms to all--especially in the remote areas--given the short period before Election Day. .

7. The Election Commission estimates that around 92,000 domestic observers will be deployed during Election Day. The international observers will add up close to 600 observers, and some institutions like the European Union and the Carter Center plan to maintain a group of observers until the announcement of the final results of the election, which might happen around thirty days after Election Day.

MISSION BACKGROUND

8. The EEMT derives its mandate from the Security Council Resolution 1740 of 23 January, 2007 and the Secretary General's report of 9 January, 2007 (S/2007/007), which proposed that UN electoral assistance to Nepal should include, *inter alia*, the following elements: "To provide a small team of electoral expert monitors to review all technical aspects of the electoral process and submit reports on the conduct of the election. There will be a clear division of responsibilities between the electoral technical assistance team and the team of electoral expert monitors."

9. In further defining the mandate and working procedures by the Secretariat, the following specifications have been made in the DPA/EAD Electoral Expert Monitoring Team concept paper, *inter alia*: "The UN mandate of the electoral expert monitoring team is to assess, on the basis of political and technical electoral benchmarks, whether the overall election process is proceeding in a manner that will lead to a result that accurately reflects the will of the Nepalese people. The benchmarks will be developed by the team in consultation with the UN Secretariat and the Nepalese electoral authorities and will be used for internal reference. In conducting their assessment, the team will endeavor to gather information from a broad representation of stakeholders (political parties, media, civil society organizations, government, members of the interim parliament, human rights organizations, national and international observer groups, etc.), bearing in mind the mandate of the mission to pay special attention to the needs of women and traditionally marginalized groups in the country."

10. Accordingly, the Secretary General appointed the Electoral Expert Monitoring team composed by Rafael Lopez-Pintor (Spain), Antonio Reis (Brazil), Ayman Ayoub (Syria), and Stefanie Lüthy (Switzerland). Martin Landi was appointed from UNMIN to provide professional support.

11. The fourth visit of the EEMT took place from 3 to 17 March 2008. The EEMT and was well received by all stakeholders involved in the process. The EEMT undertook a field trip to the Central and Easter Terai and visited Dhanusha, Morang, Saptari and Sunsari districts. During the visits, the EEMT met with local governmental and electoral authorities (Chief District Officers, Electoral District Officers and Returning Officers) as well as with representatives of political parties, women's groups and leaders of ethnic and marginalized communities. Also, the team held several informal meetings with the Nepal Police (NP) and the Armed Police Force (APF) in the field and the public in general to assess the overall electoral condition.

INTRODUCTION: ACCEPTABLE CONDITIONS ALREADY EXIST FOR HOLDING ELECTIONS

14. One week before the arrival of the fourth EEMT mission to the country, the electoral process seemed to be, once more, facing serious obstacles. Many stakeholders believed that election would be postponed once again. Nevertheless, the agreements signed between the ruling Seven Party Alliance (SPA) government and the UDMF (on 28 February) and the FRNF (on 1 March) constituted a turning point in the process. The announcement of these agreements, promising to accommodate the demands of Nepal's main traditionally marginalized communities, was immediately followed by a remarkable decrease in the level and intensity of violence in the Terai districts, which opened the door for optimism. For the first time in many months the CA election seemed to be on track and the process was steadily going forward. The election preparations were proceeding on a timely manner and the legal framework, though fragmented, was in place. The NP and APF have been reinforced with more than forty thousand of temporary policemen and most of them are already deployed around the country while concentrating on the more security-sensitive areas.

15. However, the security situation is still fragile and a source of concern. As described further in this report, candidates are still victims of violence and intimidation. The capacity of the NP and APF to maintain the current environment, and the armed group's influence on political parties, will be tested before, during and after Election Day. The election officials predict that the announcement of results and selection of elected candidates for the seats of the Assembly, both the First Past the Post (FPTP) and the Proportional Representation (PR) races, will take about a month or more depending on the number of re-polling and the time needed for vote-counting. Some armed groups in the Terai region have threatened to disrupt the process through physical punishment of those cooperating with the NP and APF and the Government; the Maoist have openly warned that they would resort to a "peaceful war" if they do not win the majority at the Constituent Assembly. Their Young Communist League (YCL) would deploy "volunteers" at the polling centers thus increasing the risks and perception of intimidation on Election Day. Other scenarios of possible turmoil have been mentioned. In addition, the police continue to lack sufficiently clear guidelines on their role during the electoral process.

16. Notwithstanding the above difficulties, with the main technical and legal aspects having been properly addressed, and with sustained efforts to continue to improve the security situation the EEMT considers that the conditions already exist for holding the CA election on 10 April 2008.

INTERNATIONAL STANDARDS FOR DEMOCRATIC ELECTIONS

17. As pointed out in the EEMT's first report, democratic benchmarks for good electoral practice mainly revolve around principles as enshrined in Article 25 of the International Covenant for Civil and Political Rights (ICCPR) of 1966: *periodic elections; universal and equal suffrage; right to stand for public office; right to vote; secret ballot; genuine elections allowing for the free expression of the will of the people.*

18. In practical terms, those standards translate into some overarching criteria for good electoral practice. These are:

- Not to exclude any significant sector of the electorate and potential contenders and not to tamper with electoral procedures.
- Fair legal provisions are required as much as good will and neutrality in law enforcement and implementation by public authorities, both electoral and others.

- Electoral management bodies in charge of elections should perform in a neutral, professional and transparent manner. Independent of how EC may be staffed - whether on a political party basis, by independent professionals or a mix of both - in all cases they should deliver as non-partisan, efficient and transparent authorities. As main elements of good practice, their work should include devising a strategic, managerial and operational plan for the elections, conducting proper recruitment and training of electoral officials, producing adequate voting materials, conducting public outreach for the information of voters, and ensuring effective control of logistics for registration, voting and counting.

- Transparency requirements imply that the decision making process, production of electoral materials, the logistics for registration, voting and counting is open to scrutiny of observers, especially political party and candidate agents with whom the electoral authorities should systematically relate to as the main players in the electoral game.

- A secret ballot must ensure, to allow for the free expression of the will of the people. Secrecy of the vote, as a matter of principle, goes far beyond the idea of the screen for anonymity at the polling station. It includes the need for an absence of intimidation and threats on the voters prior to showing up at the voting booth. Genuine elections require a level playing field where a real possibility for choice is provided to voters.

- Equitable access to resources for competition should not be denied or at least main obstacles for competition are removed by the public authorities.

- If fair conditions are given for choice and competition, then the will of the people can be expected to emerge freely and effectively.

SECURITY ENVIRONMENT

19. The security situation in the country improved substantially ~~if~~ compared to other visits of the EEMT since June 2006, and the turning point were the agreements signed by the Government with the United Democratic Madhesi Front (UDMF) and the Federal Republican National Front (FRNF). Up to the writing of this report, the recently signed agreements reduced the violence of the armed groups in the Terai region and allowed for the creation of conditions, if not ideal at least adequate, for the holding of the CA election. However, the overall security situation remains very fragile and several incidents and acts of violence were reported involving attacks, mostly by the Young Communist League (YCL), against candidates of the Rastriya Prajatantra Party (RPP) and the Unified Marxist-Leninists (UML) among others, campaigning in different regions of the country. In addition, the armed groups in the Terai already made known their intentions to react to what they called betrayal and fraud being prepared by the main political parties and the Madhesi signatories of the agreement. During its visit to the Terai region, the EEMT received a copy of an appeal by one of these groups, the Janatantrik Terrai Mukti Morcha (JTMM-J), calling on the Madhesi population for a general strike and to stand against the government officials, the NP and APF by “physically punishing” those who collaborate with them, including shopkeepers and businessmen. Also, threats made by one of the main political parties, the Communist Party of Nepal (CPN-M), to return to a ‘peaceful war’ if their political objectives were not met through the election contribute to the considerable unease among the population regarding the chances of a free and fair or ~~could use~~ “credible” electoral process.

20. In conversations with several stakeholders, some scenarios were presented to the EEMT as potential conditions for the disruption of the electoral process. The announced intention of the YCL to mobilize their cadres to all polling centers on Election Day might create a delicate security situation and a source of open intimidation for voters. One Maoist official confirmed what he called “deployment of volunteers” during Election Day and called on other political parties to replicate the activity. These groups, in size proportional to each location (from 50 up to 200 YCL members) would serve, according to him, as helpers to organize lines and to provide general assistance, from food to emergency services. Other potential scenario of electoral disruption would be the resurgence of violence involving the

X armed groups in the Terai, coupled with other illegal electoral activities elsewhere like ballot box capturing and vote buying allegedly already seen in past elections. Finally, the possibility that discontent royalist groups and army officers might try to derail the election or even attempt a coup d'état. Diplomatic sources strongly rejected any attempt to disrupt the electoral process, stressing that a coup attempt would not have any support and that any army intervention would only be accepted in case of a total collapse of public security in the country.

X The 20. The NP and APF seem ready to fulfill their tasks and have concentrated their efforts on those more sensitive areas of the country, especially the Terai. The APF has completed its deployment to all districts and constituencies, establishing one base in each district and one base in the more sensitive constituencies, as in the Terai district of Saptari. The manning of each base (plus staff) will differ based on the classification of the area: there will be up to 90 police for sensitive and 45 for the normal areas. Election Security Cells were also established in all APF main headquarters and over 40 policemen currently staff these cells. The APF mobilized over 23,000 men, and 5,970 temporary policemen are now being trained. Nepal's border with India will be closed in several points 48 hours before Election Day. The 89,860 force of the Nepal Police (NP), including 42,048 regular police and 47,812 temporary police, will provide the first ring of security inside the polling centers, while the APF will form the second ring around them, in addition to mobile patrols and a special striking force. The NP already finished the recruitment process of the temporary police and they will undergo training from March 18 to 28, followed by immediate deployment. The temporary policemen were recruited locally in each district (but will be deployed to adjacent constituency from their residence), meaning that local citizens will be fulfilling police duties, an effective measure to increase public acceptance of the NP and APF presence. The NP plan calls for the deployment of 3 regular policemen, plus up from 3 to 21 temporary policemen, to each of the 9,721 polling centers based on the number of polling booth at each location. The operations will be coordinated and supervised by a special election operations center in Kathmandu, staffed by more than 100 police specialists. The NP informed the EEMT that it cannot provide personal security services to all candidates but it is ready to certify private bodyguards (ex-police or ex-Army) on the condition they are unarmed. The District Security Committee can decide to allocate up to three policemen if justified to each candidate. Additional security of up to four unarmed guards is allowed, but candidates would pay out of their own pocket. X

X 21. Although the police is by now fully manned, equipped and in a readiness state (the EEMT witnessed its presence in the streets and roads of several districts visited in the Terai), a lack of confidence still persists among the force due to undefined and unclear guidelines about how it is supposed to fulfill its tasks. The NP is often challenged in carrying out their duties. For example, in many cases, the arrested were released due to political intervention. Also, the weapon confiscation is hampered by the absence of clear instructions on their identification and what type of weapons should be targeted. Such disorientation may have serious implications and negatively impact on the performance of the NP and APF. Prime Minister Girija Prasad Koirala said that he would take concrete measures to create a conducive atmosphere for the CA polls, according to press reports. In that context, the EC should stress the importance of the NP and APF, and the Government should issue clear guidelines and instruction to help them in their duty.

TECHNICAL PREPARATIONS FOR ELECTIONS

Legal Framework

X 23. Since the EEMT's last visit, the legal framework for the CA election has been further defined and completed. On 28 February 2008, and following the signing of the agreements

between the Government and the United Democratic Madhes Front (UDMF) and the Federal Republican National Front (FRNF), the Government issued an Ordinance to amend Sub-section 14 of CA Members Election Act. By effect of this amendment, the threshold for exemption from the ethnic quota systems both for the nomination of candidates and for the selection of winning candidates was increased from 20 percent to 30 percent. In practical terms, this means that any political party nominating a list of up to 100 candidates is not bound by the quota requirements. Nevertheless, such exemption does not apply when it comes to maintaining the balance between female and male candidates. The Ordinance also allowed political parties that had already submitted their lists prior to the issuance of the Ordinance to amend them in accordance to the new elements. However, all parties were encouraged to honor, as much as possible, the quota system regardless of the number of candidates they nominated on their closed lists.

24. In another Ordinance, the CA Members Election Act was amended to include a provision that allows the political parties to nominate candidates under the FPTP system even if they are not on the electoral roll (voters' list). Furthermore, taking into account the sensitive security situation, mainly in the Terai districts, prior to the signing of the agreements and the continued *bandhs* (general strikes) that prevented candidates from reaching the Returning Officers offices, the Election Commission simplified the nomination process for the FPTP race to allow nomination applications to be submitted by fax and without a photo, provided that the photo is submitted at a later stage. The Election Commission, pursuant to its powers in accordance with Section 75 (A) of the CA Members Election Act, has also been working on the completion of the regulatory framework for the 10 April election. The following legal instruments were adopted and enacted by the Election Commission:

- Regulations Relating to the Election of the Members of Constituent Assembly, 2064 (2007);
- Procedure of Nomination and Selection of Candidates in Proportional Election, 2064 (2008);
- Constituent Assembly Members' Election Vote Counting Directives 2064;
- Manual on Settlement of Petitions and Proceedings Relating to Election, 2064 (2007);
- Manual for Returning Officers, 2064;
- Polling and Vote Counting Training Resource Manual, 2064.

25. Counting for each constituency will not start until all ballot boxes in that constituency have been collected and delivered to the central counting center at each district capital. FPTP ballots will be counted first, followed by the PR votes. A notice of the results of both counts will then be posted to the public *in situ*, including the winners in the FPTP race, who will receive their certificates at the same time. The results will then be sent to the Election Commission, where the PR counting will be processed and announced. Following the announcement by the EC of the number of seats won by each political party, the lists of selected candidates will be submitted by the parties to the EC, who will have a seven-day period to review the compatibility of the selected candidates' lists with the quotas. The political parties will then be given three days to make the necessary amendments to their lists of selected candidates, should it be necessary. Otherwise, the EC will examine the list of selected candidates submitted by each political party to ensure that it complies with the legal quotas. While examining the list the Commission will select up to the maximum number of candidates who meet the criteria. This means that the entire process of counting and announcement of results and selection of candidates may take about a month.

26. Despite the piecemeal and somewhat fragmented approach in forming the legal framework, it is now in place. However, the vagueness of the framework causes some concerns, especially on how to deter a possible manipulation during polling and counting and the lengthy procedures until results could officially be announced. Polling procedures do not clearly define the criteria for identification of voters, and counting procedures seem to lack

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clear instructions for the necessary reconciliation of casted ballots with the number of voters at each polling centre. Also, there are no specific criteria and procedures clearly defined to determine when re-runs are necessary. The provisions to announce counting results of the PR race at the constituency level, when there would be a time lag in centralizing the constituency results and announcing them at the national level may lead to false interpretations, inaccurate projection of results and confusion.

Agreements between the Government and the United Democratic Madhes Front (UDMF) and the Federal Republican National Front (FRNF)

27. The eight-point agreement between the Government and the UDMF addresses most of the Madhesi demands. It may be divided into two main parts: immediate demands that consist of symbolic concessions that could be implemented by the Government prior to the election; and mid- to long-term political demands that all parties agreed should be dealt with after the election, although they basically constitute a declaration of good intention and general understanding on critical matters. Among the immediate demands, which the Government has already started to implement, are the declaration as martyrs of those killed during the Madhesi movement in the Terai, the payment of compensations to their families as well as to those injured during the violent episodes of the movement, and the release of detainees. The political demands include the establishment of a federal state, the recognition of the Madhesi right to self determination and the establishment of a Madhesi state as part of the future federation.

28. Likewise, the agreement signed by the Government with the FRNF included similar concessions, which ensured the inclusion of the Tharu people and other minorities in the electoral process. As a result, on 2 March, sixteen political parties, including the Madhesi People's Right Forum (MPRF), the Terai-Madhes Democratic Party (TMDP), and Saamyawaadi Party (SP) submitted to the EC their closed lists of candidates for the proportional representation system. All three parties submitted lists of 100 or less candidates, thus exempting themselves from the quota requirements. This brings the total number of political parties competing in the proportional representation race to 5. The final number of parties and candidates running on the PR race will be known after all amendments to the closed lists have been processed. As of 6 March, over 4,200 candidates were registered for the FPTP election in 240 constituencies, of which near 400 are women and almost 1000 are independent candidates. On 8 March, around 200 (mainly independent) candidates withdrew their candidacies from the FPTP contest. The EC is to release the final figures of candidates for both the FPTP and the PR systems.

Nomination of Candidates and Representation of Women and Marginalized Groups

29. The 20 February 2008 deadline for submitting party lists for the PR race was extended twice by the EC in order to ensure the highest possible level of inclusiveness. On 24 February, the Election Commission re-opened the submission and two more parties (Chure Bhawar Rastriya Ekata Party Nepal and Nepal Semamta Party) submitted their lists. This did not include any of the Madhesi parties. On 28 February, at the request of the Government of Nepal, the Election Commission re-opened, for the third time, the submission for registration of closed party lists on 2 March. It also re-opened, for the second time, the filing nomination papers for candidates in the FPTP electoral system in all 240 constituencies on 6 March. This necessitated that EC work on three different schedules to complete the nominations process: the parties that submitted their lists on 20 February had to review them and submit their amended lists by 5 March, those that submitted lists on 24 February needed to finalize the process by 9 March and parties which submitted lists on 2 March had to complete their lists by 16 March.

30. Women and marginalized groups interviewed by the EEMT in general expressed disappointment that their candidates have not been sufficiently considered by the mainstream political parties. They claim that even though the political parties that have submitted PR lists with over 101 candidates have overall adhered to the prescribed quotas, the women candidates and the candidates from marginalized groups on those lists are more aligned with the respective political party than representing the interests of their groups. “Who is who in Nepali Women,” a book published by the Women Alliance groups with 3,207 women profiles, was distributed to Government and political parties. However, few candidates were chosen from this female roster. Moreover, marginalized groups believe that the principle of inclusiveness has been watered down due to the fact that short party lists up to 100 candidates do not have to comply with the quota requirements any more, and that there are few women candidates and candidates of marginalized groups nominated for the FPTP race. In this context, representatives of marginalized groups expressed dissatisfaction as there is no possibility, in their opinion, to enforce the quotas in the FPTP race. A youth group also expressed its disappointment with the very few candidates under 35 years of age who had been nominated and felt that this would discourage young people from voting.

31. The Election Code of Conduct for political parties and candidates, the Government of Nepal, government and electoral staff and the media, which had been suspended after the postponement of the CA election, was again brought into force. The EC deployed its own monitoring mission comprised of 49 high level civil servants. This EC Monitoring Mission has the mandate to coordinate electoral activities, to monitor the implementation of the election administration and to mediate in electoral disputes at local level. The teams of the EC Monitoring Mission also are empowered to impose fines if they detect breaches of the Code of Conduct. At the time of the visit of the EEMT, the Election Commission was investigating several violations; particularly in instances where campaign rallies had been disturbed by groups using violent means and the refusal of parties to clean the city walls of party slogans and publicity.

32. However, and despite their expressions of dissatisfaction with the quotas and the mixed electoral system, as well as their distrust towards the Government and political parties, women, youth and marginalized groups such as Janajatis, Dalits, Indigenous and others, clearly favor the holding of CA election on 10 April and actively support the process. In about 10 percent of the constituencies, political parties have abided by the women’s quota when nominating FPTP candidates and several well known women leaders are included as candidates, mainly on the PR lists. The majority of the voter education volunteers are women and most of the voter education initiatives have made a special effort to reach out to women. During its travels in the Terai, the EEMT witnessed several voter education events, led and attended by women. However, women still fear for their security when campaigning and anticipate intimidation on Election Day.

The CA Election Court

33. The Election Court was established in mid February with exclusive jurisdiction to deal with all CA election related matters. The Court was formed pursuant to the CA Election Court Act (2007) and as provided for in Section 118 of the Interim Constitution. Its three members, including a President, who was appointed by the Government based on a proposal made by the Supreme Judicial Council and composed of Supreme Court (SC) judges. The Court is a temporary body, and will be dissolved by the Government once it has completed its work, by a notice to be published in the Official Gazette. Its members continue to fulfill their duties as SC justices while serving as judges of the CA Election Court. However, they might be fully dedicated to their new assignment if the workload of the Court so requires. The Court seat is within the SC premises. It currently has a Registrar of the Court as the only support staff,

while full support structure is still to be determined and implemented. According to the CA Election Court Act, the Government is to provide the court with all necessary human resources from SC personnel pool.

34. In order to ensure that all stakeholders in the electoral process are aware of the existence of the court, its establishment was widely publicized. The Court is now working on the preparation of a simplified information package to be made public before the election to inform stakeholders about its procedures and how to submit claims and cases before it. In the meeting of the EEMT with the Court, its three members agreed that this information is a necessary measure to ensure the highest possible level of accessibility, considering that the relevant legal provisions are scattered throughout a number of legal instruments. The Court members also stressed the need for the EC to include in its voter education programs details about the court and its procedures.

35. The court is responsible to hear and judge all electoral related complaints and disputes, including the judgment of electoral offenses. However, it only comes into play in the electoral process once the election has been held. Complaints to the court are generally free of charge, except in two cases, namely the petitions for annulment of election and the petitions to conduct a recount of votes, for which a deposit of 10,000 Rupees (approximately US\$160.00) must be paid and is recoverable by the claimant only if her/his petition is successful. The Court's decisions are final and may not be appealed to any other instances within three months as from the submission of a case. The members expect the Court to be saturated with complaints after the election. Therefore, they are considering ways of ensuring that the Court has sufficient and capable support services to help it handle such complaints. It is also considering procedures that would ensure the highest level of accessibility, including the use of District Election Offices as a channel to submit complaints, as well as the possible use of fax for the same purposes, bearing in mind that the court does not have any decentralized structures outside its main office in Kathmandu.

Performance of the Electoral Commission and Electoral Administration

36. The Election Commission continues to enjoy wide public acceptance and respect as an independent constitutional body. The EC structures are established throughout the country, election preparations are on track and election activities are successfully being implemented. The Election Observation Resource Center is up and running and the EC Media Center is to open on 20 March. The EC Joint Electoral Operations Centre (JEOC), established to deal with all security, logistical, organizational matters and emergencies on Election Day, is presently being set up at EC headquarter. The five Regional Electoral Offices have been kept fully operational, and all District Election Offices have reopened and are fully staffed, including, the District Electoral Officer (DEO), one voter education, one training and one logistics officer. The Returning Officers have returned to their areas of responsibility and polling center staff is being recruited. To a high degree the same polling and counting staff that was selected for the postponed election of 22 November, 2007 is being re-hired. At the time of the EEMT's visit, the last 16 of the 70 UNMIN District Election Advisors (UNVs) were being deployed to their respective districts. All non-sensitive election materials have been distributed to the districts. The DEOs are presently repacking these materials to provide each polling center with a polling kit.

37. Training of election staff has restarted on 10 March; twenty Master Trainers have been trained in all electoral activities by the EC staff. They, in turn, will train at district level the 506 Trainers who will train the 44,000 Polling Centers Presiding Officers and their Assistants. In the final step, the 190,000 polling centers staff will be briefed on polling and counting procedures. Returning Officers have been trained separately at high level. In addition, 112 Polling Officers and their Assistants are being trained for the operation of electronic voting

machines to be used in constituency number 1 in Kathmandu. Also, computer operators in the 74 districts have been trained to use the results software.

38. Voters' education is ongoing throughout the country. Activities include meetings, door to door information and distribution of voter education materials. A total of 8,568 Voter Education Volunteers received one-day refresher training. Their allowance has also been somewhat increased and now cover one and a half months and include insurance. At district level, voter education support committees and training committees are coordinating the voter education campaign and monitoring the training at local level. Included in their tasks is the organization of electoral briefings for stakeholders such as political party cadres, media, NGOs, NP and APF and professional organizations. The International Foundation for Electoral Systems (IFES) has funded the production of street theater scripts explaining the electoral process and has contracted traveling theater groups to stage the skits in the different languages of the country. All EC voter education materials, such as manuals, scripts, posters and pamphlets, have been produced in 17 languages and after approval of the EC, are being widely distributed. Radio and television have resumed the broadcast of spots, jingles, and special programs. Although the voter education campaign is impressive, it will be difficult to reach all Nepalese in the short time remaining to Election Day and to explain in simple terms the overall complex electoral issues.

39. Logistic distribution and retrieval plans are in place. Due to the extended period in which political parties could submit party lists for the PR race and nominate candidates for the FPTP race, the time frame for printing the ballots and for their distribution became very tight. Ballot production started on 3 March. On 12 March, the EEMT visited the printer and observed the printing process of the ballots. After some start-up problems all printing machines were running at full capacity. The printing of the FPTP blue ballots had just started on that day. Due to different models of printing machines and the process for printing the FPTP ballot differing from the PR pink ballot, three separate flow lines for count-checks, cutting, perforating, stitching, sorting in pads, packaging and labeling and storing of ballots had to be set up. Security and count-checks have been built into the process. These flow lines were working smoothly at the time of the EEMT visit. However, the printing process again experienced problems; three out of five machines broke down the day after the EEMT visit and the production stopped for more than 24 hours. Also, it was noticed that the numbers on 200,000 ballots were repeated in another print run. The target is the production and packaging of 1.5 million ballots per day. IFES has provided two of the printing machines and a ballot production expert working with the printers. The Government of India is supplying an additional printing machine as a back-up. At the closing of this report, this machine is expected to arrive shortly. Security at the printers is very tight and careful screening is being implemented for all access.

40. The distribution of ballots is to begin on 19 March and first cater to the most distant districts where the distribution to the constituencies and polling locations is lengthy and often cumbersome and in many places will have to rely on porters. Kathmandu valley will be supplied last as the distribution to the polling locations is easily accessible and can be done in one day. The EC JEOC staffed with EC logistical, administrative and security personnel will coordinate all resources for movement of materials. In addition to trucks, nine helicopters, seven of which have been chartered from the Nepalese Army, will be used to accomplish the tasks. The JEOC will also coordinate all necessary measures taken by the EC should security incidents or accidents or other emergencies occur.

41. The UNMIN election technical advisory team has been somewhat downsized and restructured at EC headquarters and the composition of the UNV teams modified at district level. Currently, only one (instead of two) District Election Advisor (UNV) together with a national language assistant is being deployed to each district. In the Regional Teams there are now only two instead of three electoral advisors stationed. The training and voter education functions were merged into one. During a lessons learnt exercise after the cancellation in

October 2007 of the CA election, it was possible to define more precisely the role of the District Election Advisors and to adjust their Terms of Reference to the needs of the District Election Offices. The logistics/operation advisor has been able to reinforce the EC logistics team and plans have been developed in a timely manner. UNMIN Electoral Advisors are working well with their EC counterparts.

Media

42. The media continued to enjoy a high **degree** of freedom on its reporting in general and of the electoral process in particular. The **intensity** of cases of harassment and attacks against journalist and media outlets was substantially **reduced** if compared with past visits of the EEMT. However, the Federation of Nepali Journalists registered during February and March several cases of physical threat and attacks against journalists and acts of vandalism against media facilities.

43. The Code of Conduct for the media has been enforced since 9 March 2008 but no actions have been taken by the EC until the writing of this report.

X 44. The monitoring of the media (TV, radio and press) started the day the Code of Conduct was enacted on 9 March. The Press Council Nepal is monitoring its implementation by the state and the privately-owned printed and electronic media and it is reporting to the EC. Initially, on the first five days of monitoring, it seemed that a very limited amount of time was dedicated to political communications by the public and private media (an average of 45 minutes for the public radio and TV, the main sources of information and with national coverage, and of two hours for the private radios and TVs). However this tendency was being reverted at the closing of this report. So far, the concerns of a biased coverage by the public media as result of ~~a~~ possible control by the Minister of Information, a CPN-Maoist member, have not materialized. On the contrary, the Maoists received in general the third highest amount of coverage time and the highest negative tone percentage. As for the private media, the Maoist in some cases was the only political party with a negative tone coverage. However, the short period monitored and the fact that the main news during such period related to YCL attacks against political parties, and not campaign or other election related events, do not offer a clear picture of the media coverage of the election. Even in a radio station considered sympathetic to the Maoists (Radio Samagartha) ~~they~~ received only 10 minutes of coverage (16 percent negative) against 39 for the NC (no **negative** percentage) and 35.13 for the UML (8.16 negative).

X 45. The distribution of airtime to the candidates in the public TV and radio was finalized during the visit of the EEMT. Time was allocated to candidates proportionally to the number of candidates in the closed lists submitted to the EC. The Media Center established by the EC will be opened on 20 March and will offer support to journalists and observers until the end of April. The center ~~usually with~~ TV facilities for taping and editing, a 200-person capacity media room, computers and Internet outlets and an information center for distribution of election material.

provider

Electoral Campaign

46. Following the signing of the agreements between the Government and the UDMF and the FRNF, and the subsequent notable drop in the levels of violence, the political parties have gradually launched their full-fledged electoral campaign. Most of the mainstream parties have already made public their election manifesto, and campaign activities, including mass meetings, rallies and door to door campaigning ~~is~~ underway throughout the country. All political parties are showing their determination to go ahead with their campaign activities. The EEMT members were able to witness some of the campaign activities being held even in

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are

some of most sensitive districts. Political Party leaders and other candidates, whose limited campaigning activities ~~was~~ ^{meet} restricted to urban areas before, are now venturing out to rural areas and districts. However, the fragile security situation, as well as the persistence of some groups that openly oppose the CA election in trying to disrupt the process by all possible means, including at times violent actions, continues to extend a shadow on the electoral campaign. Reports of localized incidents against candidates and their supporters are received almost on daily basis. Such acts of violence against the ~~candidates~~ ^{the} disrupt the electoral process by violating the citizens' right to assemble and ~~obstructing the political~~ ^{the} parties in their conduction of a free campaign. Nevertheless, all political parties are showing their determination to go ahead with their campaign activities. The EEMT was also made aware of threats and intimidations against some candidates, mainly from marginalized groups, who are generally facing more difficulties to reach out to their voters. The strong competition between the contenders, as well as the continuous security concerns might lead to an increase in incidents, harassment, as well as breaches of the Code of Conduct. The EC is, nevertheless, making all efforts to investigate the breaches and to bring the parties together to honor the code of conduct.

47. The EEMT expressed to all stakeholders interviewed its concern about current and potential breaches of the code of conduct, and the possible increase in the number and intensity of violent incidents, which will pose a serious threat on the holding of free, fair and peaceful CA election. The EEMT has publicly stressed the need for the Government, political parties and all other stakeholders to strictly adhere to the Code of Conduct and ensure that a peaceful environment is maintained not only until the CA Polls, but also during and after the election. Some of the political parties, mainly new parties and those that have recently joined the process, have not yet fully developed their campaign programs. Whether the appropriate conditions for a peaceful and constructive electoral campaign will increase or suffer a setback remain to be seen over the coming few weeks as more parties and candidates start to implement their campaigning activities and as the CA polls come closer.

Observers

48. The EC-run Election Observation Resource Center was ~~established before~~ ^{on} the cancellation in October 2007 of the CA election, and ~~has been~~ ^{reopened} ~~on~~ ^{from} 15 February. The Center is the contact point for all domestic and international observer groups. Observer briefing packs are being compiled, accreditation procedures established and training and briefing materials of the observer networks are being evaluated. A Code of Conduct for Observers has been put in force. UNDP has provided an international advisor and IFES has provided national technical advisor to assist the Director of the Centre and its six staff members.

49. To date, 147 national observer organizations have applied for accreditation. Once the EC approves these applications, the organizations can request the individual accreditations for their members. So far around 10,000 domestic observers have been accredited. Their number is anticipated to reach 90,000. All accredited observers are requested to sign the Code of Conduct for Observers and the Oath for Observers. Accredited organizations include, among many others, the National Election Observation Commission (NEOC), the National Election Monitoring Alliance (NEMA), the Democracy and Election Alliance Nepal (DEAN), the Constituent Assembly Election Observation Joint Forum (CAEOJF) and the Nepal Bar Association (NBA). Some of these organizations have received observer training and manuals through NDI. Ten international organizations and several Embassies have contacted the Election Observation Resource Center and have asked for accreditation and briefing materials. The Election Observation Resource Center estimates up to 600 international observers will be observing the 10 April CA election. The Carter Center and ANFREL have already deployed 13 and 10 long-term observers, respectively. The Core Team of the European Union Observation mission is already in Nepal, and the arrival of its 38 Long-term observers is expected for mid-March. Other international observer groups requesting

accreditation include Forum Asia, UNIRIGHTS, Asia Foundation, Socialist International, NDI, South Asia Foundation and the Japanese Government. Political Party Agents and Agents of independent candidates are being accredited at Constituency level by the Returning Officers.

CONCLUSION

50. The EEMT considers that, despite the fragile security situation, the conditions exist for holding the Constituent Assembly election on 10 April 2008. The preparations for the election are proceeding in a timely basis and the legal framework, although fragmented, is in place and being enforced. *lm*

RECOMMENDATIONS

The EEMT would like to present the following suggestions and recommendations for consideration concerning:

Security

- The Government of Nepal, the NP and APF and all political parties should exert their utmost efforts to ensure that a positive environment and adequate conditions conducive to the CA election on 10 April are diligently maintained and prevail not only before and on Election Day but also after the election.
- Political parties, candidates and their supporters should refrain from intervening in the administration of the electoral process and its operations. In particular, political parties should strictly abide by the relevant regulations for the proper and neutral administration of the polls on Election Day. The administration of election and the provision of security is the sole responsibility of the EC, the NP and APF.
- The EC should consider promoting public awareness about the lengthy process of counting the votes and the announcement of results to avoid early and precipitated projections of (mainly PR) results.
- It is fundamental that the Government of Nepal, political parties and independent candidates strictly abide by and adhere to the Code of Conduct, as well as to the electoral laws, norms and EC regulations and directives, during the electoral campaign period and Election Day.
- The Government of Nepal should establish clear guidelines and rules for the Nepalese NP and APF to ensure that they can fulfill their tasks more efficiently and effectively. In particular, clear directions should be given to the NP and APF to raise their moral and guide them in dealing with armed groups that are disrupting or may disrupt the CA election. No political interference should be allowed in law enforcement.
- All media outfits, whether public or private, are urged to abide by the EC Code of Conduct for Media, and to offer the public a balanced and neutral reporting and information on the electoral process.

Acceptance of results

The Election Commission should consider an intense media campaign, press releases and interviews explaining the procedures and the time frame for announcement of the results to maintain the public fully informed on the counting procedures and announcement of results, thus avoiding false interpretations of the PR results, inaccurate projections of such results and confusion among the electorate.

CA Election Court

- Considering that that the CA Election Court is established for the first time ever and the fact that related legal provisions are scattered throughout a number of legal instruments, the Court might consider the development and publication of a simplified information package that provides details of its procedures and norms to stakeholders, in order to ensure effective access to all parties.
- The EC might consider including in its voter education programs and materials information about the CA Election Court and on the complaints and challenges procedures.
- It is important that a qualified support structure is developed and put in place before the CA election to assist the CA Election Court to efficiently implement its duties and responsibilities that are crucial for the peaceful settlement of post-Election Day disputes.

ANNEX I

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, 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 election 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.

ANNEX 2

LIST OF CONTACTS

- The EEMT conducted its third visit to Nepal from 3 to 17 March, 2008. For this visit, the team was composed of three senior consultants, Antonio Reis (team leader), Ayman Ayoub and Stefanie Luethy.
- In the course of the two weeks visit, the team met with 83 representatives from UNMIN, UNDP, OHCHR, Nepal Government (Ministers, Parliament, Electoral Commission, District Offices), members of traditionally marginalized communities, journalists, intellectuals, NGOs, women groups, national and international observers groups, international organizations, NA and APF (AFP and Nepal Police) and Embassies.
- The EEMT undertook two field visits to the Central and Eastern regions, visiting Janakpur (in the District of Danusha) and the Districts of Morang, Sunsari and Saptari in the Eastern region.
- In the Districts, the EEMT met with District officials, Returning and Electoral officers, NA and APF political parties' leaders and representatives of marginalized groups.

United Nations

1. Mr. Ian Martin, SRSG UNMIN
2. Mr. Tamrat Samuel, DSRSG UNMIN
3. Mr. John Norris, Chief Political Affairs, UNMIN
4. Ms. Fida Nasrallah, Chief Technical Adviser (CTA) Electoral Office, UNMIN
5. Mr. Arjuna Parakarma, OIC Civil Affairs, UNMIN
6. Mr. Antonio Spinelli, Chief Capacity Building Unit, UNDP
7. Mr. Sean Deely, Sr. Peace & Development Advisor, UNDP
8. Mr. Stephen Beale, Deputy Technical Advisor, UNMIN
9. Mr. Alessandro Righetti, Electoral Focal Point, OHCHR
10. Ms. Diana Baker, Political Affairs Officer, UNMIN
11. Mr. Yohn Medina, Political Affairs Officer, UNMIN
12. Mrs. Svetlana Galinka, Voter Education and Training Advisor, UNMIN
13. Mr. Carlos Currie, Logistical Advisor, UNMIN
14. Mr. Dawn Memic, Field Support Advisor, UNMIN
15. Mr. Ricardo Barranca, Media Advisor, UNMIN
16. Mrs. Fernanda Lopes, Observers Coordination, UNDP
17. Ms. Leone Hettenbergh, External Projects Coordinator, UNMIN
18. Mrs. Jasmine Riley, Regional electoral Advisor, Eastern Region, UNMIN
19. Ms. Sonia Muller Rappard, Janakpur OHCHR

Government of Nepal

Electoral Commission

20. Mr. Bhojraj Pokharel, Chief Electoral Commissioner
21. Mrs. Usha Nepal, Electoral Commissioner
22. Mr. Neil Kantha Uprety, Electoral Commissioner
23. Mr. Dolakh Bahadur Gurung, Electoral Commissioner
24. Dr. Ayodhee Prasad Yadav, Electoral Commissioner
25. Mr. Sushil J.B. Rana, Acting Secretary

District of Sunsari

26. Mr. Premluitl District Electoral Officer (DEO)

District of Saptari

27. Mr. Koirala DSP (APF)

28. Vinit Jha, Computer Operator at the EC District Office

District of Dhanusa

29. Mr. Ram Saran Simouriya, Chief District Officer (CDO)

30. Mr. Yogendra Prasad Mainali, District Electoral Officer (DEO)

31. Mr. Prem Bahadur K.C., Chief Returning Officer

32. Mr. Tirtharaj Devkota, returning Officer

33. Mr. Hemraj Panta, Returning Officer

34. Mr. Pashupati Acharya, Returning Officer

35. Mr. Surya Bahadur Thapa, Returning Officer

36. Mr. Rajendra Prasad Adhikari, Returning Officer

37. Mr. Sarada Prasad Koirala, Returning Officer

Constituent Assembly Court

38. Hon. Justice Anup Raj sharma, CA Court Member

39. Hon. Top Bahadur Magar, CA Court Member

40. Hon. Ramkumar P. Sha, CA Court Member

41. Mr. Nahakul Subedy, CA Court Registrar

Nepal Civilian Police (NP)

42. Mr. Rab shrestha, Additional Inspector General of Police (A.I.G.)

43. Mr. Surendra, Deputy Superintendent of Police (D.S.P.)

Armed Police Force (APF)

44. AIG Mr. Amber Nembang

45 Inspector Mr. Gautam Yonzon

Political Parties**United Marxist Lenininst (UML)**

46. Mr. Madhab Kumar Nepal, Party President

Nepali Congress (NP)

47. Mr. Ram Baran Yadav, General Secretary

48. Mr. Gagan Thapa (student and youth leader)

49. Mr. Ram Saroj Yadav, District President (Biratnagar)

Terai Madhesh Democratic Party (TMDP)

50. Mr. Mahanta Thakur, Coordinator

51. Mr. Brikesh Chandra Lal, CC Member

Sadhabhawana Party

52. Mr. Rajendra Mahato

53. Mr. Kamesho Jha (Biratnagar)

Terai Madhesh Loktantrik Party (TMLP) (Rajbiraj, Saptari)

54. Mr. Anish Ansari, Rajbiraj, Saptari

55. Mr. Lalit Kantha, Rajbiraj, Saptari

Academics and intellectuals

56. Prof. Birandra Mishra, former Coordinator, national Monitoring Committee on Code of Conduct for Ceasefire (NMCC)

57. Dr. Bijay Kuman Singh (Madhesi intellectual and member of the TMDP in Biratnagar)

58. Mr. Sushil Pyakurel, Former Commissioner of the national Human Rights Commission & Civil Society

59. Mr. Ful Kumar Dev, President of Madhesi Intellectual Society

Journalists

60. Mr. Kailash Sirouya, CEO, Kantipur Publication

61. Mr. Raju Silwal, Chief News Editor, Nepal Television, Federation of Nepalese Journalists

62. Mr. Rajesh Karna, Janakpur FM, Secretary of Federation of Nepalese Journalists (FNJ) (Janakpur)

Marginalized Communities Representatives

63. Dr. Om Gurung, Vice President, Nepal Federation of Indigenous Nationalities (NEFIN)

64. Mr. Md. Asgar Ali, Central Member of Hajj Committee, Muslim Leader

65. Mr. Salim Ansari, Madhesi People's Rights Forum (MPRF)

66. Balram Yadav, Candidate PR race, Madhesi People's Right Forum-U (Rajbiraj, Saptari)

67. Hare Ram Yadav, District Coordinator, Madhesi People's Right Forum-U (Rajbiraj, Saptari)

68. Shiv Narayan Yadav, District Coordinator, Madhesi People's Right Forum-U (Rajbiraj, Saptari)

69. Swernming Limbu, Candidate (Sunsari), Federal Limbuwan State Council (FLSC)

Women's Groups

70. Ms. Anita Shrestha, Program Director, Feminist Dalit Organization (FeDO)

71. Ms. Kamala Biswokarma, Secretary Feminist Dalit Organization (FeDO)

72. Ms. Stella Tamang, Co-ordinator, Bikalpa Gyan Taha Bikas Kendra, Nepal South Asia Indigenous Women Federation (SAIWF)

73. Ms. Meenakshi Jha, Dhanusa President Women's Association

74. Ms. Sanju Sha, Madhesi women activist.

Diplomatic Representations

India

75. Mr. Shiv Shankar Mukherjee, Ambassador

United States

76. Mrs. Nancy J. Powell, Ambassador

United Kingdom

77. Dr. Andrew Hall Obe, Ambassador

78. Mrs. Jemima Gordon-Duff, Political Officer

International Organizations and Observers Groups

IFES

79. Peter Erben, Country Director

Carter Center

- 80. Mr. Darren Nance, Country Director
- 81. Sarah Levit-Shore, Electoral Project Coordinator

IDEA

- 82. Leena Rikila, Country Director

European Union Observation Mission

- 83. Thomas Boserup, Deputy Chief of Mission

Note to the Secretary-General



**NEPAL: FOURTH ASSESSMENT REPORT OF
THE ELECTORAL EXPERT MONITORING TEAM**

1. The Electoral Expert Monitoring Team (EEMT) on the electoral preparations for the Constituent Assembly (CA) election conducted its fourth visit to Nepal from 3 to 17 March 2008. In accordance with the working procedures established for the EEMT, assessment reports **are submitted** to you at the end of each mission through the UN Focal Point on Electoral Assistance Activities (USG/Political Affairs).
2. As per their usual practice, the team held talks with members of the Government, election officials, political parties, leaders of women's, ethnic and traditionally marginalized groups, the media, civil society, the diplomatic community, international observers, Armed Police Force and Nepal Police and the public in general. In addition to its activities in Kathmandu, the team also visited several districts in the central and eastern Terai.
3. The report of the EEMT states that preparations for the election are being conducted in a timely manner. Recognising that the Election Commission has been working under a tight electoral calendar, they also note that the Commission showed flexibility to accommodate new nominations in order to widen the participation of candidates and make the process more inclusive.
4. The EEMT notes that the signing of agreements between the Government of Nepal and the United Democratic Madhesi Front (UDMF) and the Federal Republican National Front (FRNF) in late February and early March have been fundamental for allowing the reduction of violence in the Terai region. Compared with the previous visits, the EEMT believes that the security situation has improved.
5. The EEMT considers that it will be imperative that the Government of Nepal, security forces, political parties, electoral officials, and stakeholders make all efforts to avoid violence before, during and after the elections. They noted with concern the intensification of harassment and acts of violence against some candidates and their supporters. As such, the EEMT notes that political parties have an important role in ensuring that the election is conducted in a peaceful environment in which voters can freely exercise their rights on Election Day. It is of crucial importance that political parties strictly follow the code of conduct and election norms.
6. With your approval, the fourth EEMT report **will be shared** with the **national** authorities. The fifth visit of the EEMT **will** begin on 5th April and the team will remain in Nepal until the end of the month.

*Exempt from automatic
downgrading and
declassification
O.L.
R*

B. Lynn Pascoe
Under-Secretary General, DPA
02 April 2008