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**ELECTION OBSERVATION DELEGATION TO
THE HOUSE OF REPRESENTATIVES AND PROVINCIAL ASSEMBLIES
ELECTIONS
IN NEPAL
(26 November and 7 December 2017)**

**Report by
Neena Gill CBE, Head of the EP Delegation**

Annexes:

A. List of participants

B. European Parliament Election Observation Delegation Statement

Introduction:

Following an invitation from the Nepal authorities, the Conference of Presidents on 5 October 2017 authorised the sending of a delegation to observe the elections to the House of Representatives and provincial assemblies in Nepal. These elections were taking place in two phases on 26 November in the constituencies in the more mountainous districts and on 7 December in the remaining 45 constituencies.

The European Parliament has always been a strong supporter of the process of democratic consolidation in Nepal following the civil war in the country in the early 2000s. It observed the elections in 2008 and 2013 and the sending of a further delegation was a sign of its ongoing commitment. EU financial assistance to Nepal has strengthened under the multiannual indicative programme for 2014-2020 which included support for democracy and good governance. Development aid amounts to €360 million, which is triple the amount for the previous budget period.

At the constituent meeting on 19 October 2017 Ms Neena GILL CBE (S&D, UK) was elected head of the delegation that would observe both phases. For the first phase the delegation was also composed of Ivan STEFANEC (EPP, SK), Tomas ZDECHOVSKY (EPP, CZ), Norbert NEUSER (S&D, DE), Bernd LUCKE (ECR, DE), Javier NART (ALDE, ES), and Georg MAYER (ENF, AT). For the second phase the delegation was made up of Thomas MANN (EPP, DE), Tomas ZDECHOVSKY (EPP, CZ), Bernd LUCKE (ECR, DE), Javier NART (ALDE, ES), and Bernard MONOT (ENF, FR).

The EP delegation was integrated into the European Union Election Observation Mission (EU EOM) led by the Chief Observer Ms Željana ZOVKO (EPP, Croatia).

The standard programme was organised for the EP delegation: i.e. briefings from the EOM Core Team, meetings with representatives from the main political parties, the government (President and Prime Minister), the Election Commission, representatives from the media and civil society, and national and international observers.

The context of the 2017 elections:

The 2017 elections to the House of Representatives and provincial assemblies took place against a background of constitutional change in the last decade. The most significant developments had been the abolition of the monarchy in May 2008 and the subsequent founding of the Republic of Nepal. The national elections of November 2013 led to the establishment of a Constituent Assembly with a mandate to adopt a new constitution for Nepal. These events followed many years of political turmoil (with seven constitutions in 70 years and no government enjoying a majority in parliament since 1994) and a decade of armed conflict in which 17,000 people died.

This new constitution was promulgated in September 2015, after which the Constituent Assembly was transformed into a parliament. The new constitution replaced a unitary with a federal system of government. At the time of the MEPs' visit, however, there was still much

work to be done in this respect, particularly as some provincial capitals had not yet been selected and civil servants had not been redeployed.

Local elections - the first for 20 years - had taken place in three phases from May to September 2017 and, with a turnout of around 75%, had represented a significant step towards the implementation of the new constitution. However the Madhesi¹ parties had boycotted the elections as their demands to redraw the provincial boundaries had not been met. MEPs were informed that in general these elections had gone "quite well", despite some incidents of violence

The elections to the House of Representatives and the provincial assemblies were a further stage in the embedding of the new constitution and were to be the first occasion in which citizens would directly elect a Parliament at federal and provincial level.

The new House of Representatives consists of 275 members with a five year mandate. 165 members are elected through a first-past-the-post (FPTP) system and 110 are elected by proportional representation (PR) in which the entire country is a single constituency. The Federal Parliament of Nepal will become a bicameral body following the election of the National Assembly.

Political parties are required to ensure that at least 50% of their candidates under the PR list and at least one third of the total number of candidates under the PR and FPTP system are women. The elections under the PR system represented the best opportunity for female candidates of being elected as many women were reported to be standing in unwinnable seats under the FPTP system.

It is also compulsory for political parties to include candidates from certain ethnic and social groups in their PR closed lists according to quotas which reflect the composition of the Nepalese population. However the delegation was informed that the inclusion among the quotas of the Khas Arya ethnic group², which has been traditionally over-represented in government, did not help to promote social inclusion

Prior to the election power was shared by the Communist Party of Nepal–Maoist Centre (CPN-MC) and the Nepali Congress (NC) in a coalition government. Under the power-sharing agreement the NC leader, Sher Bahadur Deuba, took over as prime minister in June 2017 from Pushpa Kamal Dahal. Mr Deuba was the 24th Prime Minister in 27 years.

In October 2017 the CPN-MC and the Communist Party of Nepal Unified Marxist-Leninist (CPN-UML), which had previously been bitter opponents, formed an alliance to contest the FPTP elections together. The Nepali Congress responded by accusing the alliance of working towards amending the parliamentary system in order to impose one-party communist rule through a presidential system. The Congress, in its turn, however, sought to set up a less formal alliance with a number of smaller parties.

¹ The term "Madhesi" generally describes people of Indian ancestry living in the Terai region of Nepal and who had a history of being largely excluded from mainstream politics and many of whom did not have citizenship certificates.

² "Kas Arya" covers a number of communities, including the Brahmins.

There were a number of incidents of violence throughout the election campaign, largely instigated by a Marxist splinter group. From 7 November to 9 December there were more than 150 violent incidents, principally with improvised explosive devices (IEDs) targeting political figures, and one temporary policeman lost his life.

During its meetings the EP delegation ascertained that there was more scepticism in Nepal than in previous elections about the benefits of international observers. In particular, some figures in the administration appeared to believe that it was no longer necessary for Nepal to host observer missions. The example of India - which does not admit international observers to its elections - was cited.

This more negative attitude towards international observers was exacerbated by a specific case in the Kanchanpur district when a Chief Election Officer/District Chief Justice accused EU long term observers of violating the observer Code of Conduct and called for the EU EOM to stop carrying out its mandate in the district. The EOM issued a statement maintaining that the observers had not breached the Code, however the two observers were replaced.

The EP delegation took up this issue in a number of its meetings. MEPs stressed that the international observers were present to support the electoral process and not to police the proceedings. They cited the many examples of observer missions, including those in EU member states, and stressed that the presence of observers helped to make the elections more credible. Most respondents - including those at the highest levels of government - did not contradict this view.

The EP delegation also expressed particular concerns about the issue of campaign finance and the expenditure ceilings imposed on candidates. Under the FPTP system for the House of Representatives, the maximum level for candidates was 2.5 million rupees (around €20,500). It appeared from discussions that this maximum was being consistently flouted with impunity by the more affluent candidates to the detriment of others.

Election Day:

The EP delegation in both stages split into three teams. On 26 November the teams went by road to Nuwakot, Sindhupalchok and Gorkha, the latter two locations requiring two overnight stays. On 7 December the teams went to Kathmandu/Lalitpur, Pokhara and Dhangadhi, and once again the latter two destinations required two overnight stays and on this occasion a flight.

The MEPs commended the generally well-organised and well-managed preparations and conduct of the vote, particularly in view of the short time available to undertake the preparations (the date for the election was set by the government only 97 days before the first Election Day). They praised the work of the polling station staff and the commitment of the voters who turned out in large numbers (65% in the first stage and 67% in the second stage). In particular they welcomed the strong engagement shown by women and young people.

Nevertheless they were concerned about the restrictions that they faced at a number of polling stations, particularly on 26 November, when they were prevented - mostly? by

temporary police - from being able to observe properly. They also remarked that there was some blurring of the tasks carried out by polling station staff and political party representatives and that these needed to be more clearly defined. There was also a need for clearer rules on the procedures for assisted voting.

After the vote on 26 November the ballots were stored securely and counting for the two stages only began after the closing of ballots on 7 December. The counting was in its very early stages when the delegation left Nepal.

Press conference and the EU EOM preliminary statement:

The EU EOM and EP press conference took place on 9 December 2017. The Head of the EP delegation fully endorsed the points made by Ms Zovko and the conclusions of the EU EOM.

In her own statement, Ms Gill referred to the issues highlighted on Election Day, as well as the issues of campaign finance, the occasional violence and the role of international election observers. She stressed that these elections represented a significant milestone in the consolidation of the democratic process in Nepal and that the international observer mission - and the EU in general - was a strong supporter of this process.

Post-election day developments

TO BE ADDED

Annex A:

List of participants

GENERAL ELECTIONS IN NEPAL
ELECTION OBSERVATION DELEGATION

26 NOVEMBER 2017 (1st stage)

7 DECEMBER 2017 (2nd stage)

Members First Stage

1. Ivan ŠTEFANEC, EPP, SK
2. Tomáš ZDECHOVSKÝ, EPP, CZ
3. Neena GILL, S&D, UK
4. Norbert NEUSER, S&D, DE
5. Bernd LUCKE, ECR, DE
6. Javier NART, ALDE, ES
7. Georg MAYER, ENF, AU

Members Second Stage

1. Thomas MANN, EPP, DE
2. Tomáš ZDECHOVSKÝ, EPP, CZ
3. Neena GILL, S&D, UK
4. Antonio PANZERI, S&D, IT
5. Bernd LUCKE, ECR, DE
6. Javier NART, ALDE, ES
7. Bernard MONOT, ENF, FR



Annex B:

European Parliament Election Observation Delegation Statement

Statement by Ms Neena Gill CBE,
Head of the European Parliament election observation delegation
to the House of Representatives
and Provincial Assemblies elections in Nepal,
26 November and 7 December 2017

Kathmandu, 09 December 2017

Ladies and gentlemen,

Thank you first of all for the great interest that you have shown in this press conference. As Head of the European Parliament's delegation, I have the honour of speaking on behalf of my fellow MEPs.

As you know, the delegations of the European Parliament observed both phases of the process on 26 November and 7 December – I believe that this is a clear sign of our commitment to the strengthening of democracy in Nepal. These elections – the first since the adoption of the new constitution – are a significant milestone in the consolidation of the democratic process. During these two visits, we met a wide range of representatives from many political parties, from civil society as well as the Election Commission. We were also honoured to meet the President and the Prime Minister.

The European Parliament delegation fully endorses the preliminary findings and conclusions of the EU Election Observation Mission as outlined by our Chief Observer, my friend and colleague Željana Zovko. I would like to thank her and her team for the excellent cooperation and the very comprehensive work that they have carried out. I will not repeat the main findings that she has just presented, but would like to focus on a number of issues.

Firstly, I should like to emphasise that the European Observation Mission including the European Parliament delegation, which was invited by the authorities, is here to work in partnership with Nepal and to make a positive contribution to your democracy. As observers, we are here to support you.

We were present in six different regions of the country over the two stages of the elections. We were very impressed by the well-organised and well-managed preparations and conduct of the vote, particularly in view of the short time available, to undertake these preparations. The commitment and dedication of the polling centre staff, the enthusiasm

of the voters who had to wait patiently in line, the strong engagement shown by women and young people, and a turnout which many of our own countries could only envy, have in general made these two election days a very positive development in the embedding of democracy in Nepal. I would also like to mention that the limitations we faced in observing in some polling centres on 26 November were far less during the second phase.

However, let me just flag up two elements which deserve attention from the relevant authorities in the future. The involvement of political parties' representatives on Election Day is to be welcomed, nevertheless there should be a clearer definition of their tasks, which must be separate and distinct from the duties carried out by the officials of the polling centres. Furthermore, the transparency of the vote would be strengthened by a well-defined rule on assisted voting.

But an election is not simply about what happens on one day, and it is necessary to mention some more long-standing issues. Most importantly, the security environment is of some concern. Political competition should not descend into violence, and we urge all political forces to take a very clear stance on this.

We also note that the financing of the electoral campaign remains a problematic issue, particularly in respect for funding for candidates. Rules do exist, but they are inadequate and cannot be effectively enforced. This situation must clearly be improved.

As I mentioned earlier, elections are an extremely important part of the process of strengthening democracy in Nepal. The EU has given a clear sign of its commitment by sending this Election Observation Mission. However, this is only one element of our support to your country. Democracy assistance through the EU funded programmes is an important element in the broader EU-Nepal relationship. This relationship is based on the principles of democracy and human rights and support to peace, stability and prosperity. The European Parliament is a great friend of Nepal and a key player in the whole process – we will stand with you. As the counting continues and the results are announced, we urge everyone to focus on inclusive political life, building confidence and trust, and to further strengthen the institutions that underpin democracy.

We are looking forward to the final report of the Election Observation Mission and to the full implementation of its recommendations.

Thank you for your attention.
