Election Commission of Nepal: Journey to Achieve 24 Carat Elections

Narayan Gopal Malego
Secretary
Election Commission of Nepal
March 04, 2013
Outline of the Presentation

- Types of EMBs
- Structure and Mandate
- ECN-Structure and Mandate
- Vision, Mission and Goals
- Thematic Areas of Engagement
- Legislative Tools
- CA Elections: a case study
- Current Engagements
- Legislative Reforms
- VR with Photograph
- Technology-based Elections
- Some Challenges
- Expectations and Way Forward
Types of EMBs

• To be defined by the political and constitutional system and practices of a country;

• Broadly three types:
  • Governmental,
  • Independent,
  • Hybrid.

• Nepal has an independent and constitutional Election Commission since long.
ECN-Structure

- Maximum five commissioners including CEC.
- Appointed by President on recommendation of CC following the parliamentary hearing.
- Ineligible for any other appointments.
- Provision of Impeachment. (2/3 of Constituent Assembly members)
- Secretariat headed by Secretary and manned with other personnel of different levels.

INDEPENDENCE AND IMPARTIALITY CONSTITUTIONALLY GUARANTEED
Mandate

• Election management (operation, supervision, direction, control) of:
  ✓ Constituent Assembly elections
  ✓ referendum, if necessary
  ✓ local body elections

• Collection and update of electoral roll including voter registration;

• Verdict on qualification of candidate of Constituent Assembly.
  (according to Art. 129 of the Interim Constitution of Nepal)
Vision, Mission and Guiding Principles

**Vision:**
- Develop ECN as an independent, impartial and competent organization to hold credible elections.

**Mission:**
- To conduct free, fair and credible elections as mandated by the Constitution.

**Guiding Principles:**
- Accountability, participation, transparency, integrity, impartiality, credibility, independence and service orientation.
Goals

• Create a free, fair and fearless election atmosphere through timely reforms of the electoral system and processes;
• Ensure accuracy in the electoral rolls and in the identification of voters;
• Increase voters awareness;
• Reform the overall electoral management system;
• Develop human resources;
• Use modern technology for election information management system;
• Develop infrastructure of ECN and polling stations;
• Increase cooperation with stakeholders;
• Emphasize research and development activities;
• Develop effective monitoring and evaluation mechanism.
Thematic Areas

- Voter registration
- Civic and voter education- EEIC
- Pre, during and post-elections management
- Management of polling centers
- Regulation of political parties
- Logistics management
- Coordinating electoral security
- Electoral observation
- Electoral dispute resolution
Legislative Tools

• Interim Constitution, 2007
• Election Commission Act, 2007
• Electoral Rolls Act, 2007
• CA Elections Act, 2007 (now non-existent)
• Election (abuse & punishment) Act, 2007
• Constituent Assembly Court Act, 2007
• Political Parties Act, 2002
CA Election- a case study

• Peacefully held on April 10, 2008;
• Foundation for managing transition and peace;
• Highly appreciated and widely accepted results;
• ECN’s competence to hold any kind of elections;
• Introduction of EVM on a pilot basis;
• Highly inclusive results- significant representation of women, lower castes, ethnic groups and backward regions;
CA Election- Lessons Learned

• Need to prepare accurate voters' roll;
• A sound legal foundation required;
• Sufficient time necessary for preparations;
• No luxury of time available once election date is declared;
• Election- a costly venture to sustain democracy- a huge amount of material, monetary and human resources required;

ENVISIONING STRATEGIC PLAN
ECN's engagement

• Legislative reforms
• VR with photograph
• Technology-based elections
• Capacity development
• Electoral education and information
• Confidence building with stakeholders

ENSURING ‘24 CARAT’ ELECTIONS
Legislative Reforms

• A two-pronged strategy
  ➢ Legislative reform for next CA elections
  ➢ Creating legal regime for future elections
VR with photograph

- Envisioned in 5 year Strategic Plan (2009-13);
- Need to maintain accuracy, legitimacy and validity of elections;
- An effective means to uphold electoral rights of citizens, strengthen foundations of democracy;
- No one is omitted, no one is duplicated;
- Feedback received from observers during CA elections;
- Out of 15.4 m, about 11 m voters registered so far;
- A continuous process.
Technology-based Elections

• Creation of a credible data-base;
• Updating of voters' roll;
• Envisioning universal application of EVM;
• Study on overseas registration and voting;
• Use of GIS and GPS;
• Sophistication in counting.

ACQUAINTANCE WITH STATE-OF-ART TECHNOLOGY
Some challenges

- CA's failure to frame a new constitution;
- Uncertainty about next CA elections;
- Political consensus elusive;
- Political parties guided by petty partisan interests- electoral system at the center of debate;
- New issues: ethnicity, regionalism and...
- Managing electoral disputes and violence;
- Indifference of youth and prospective voters towards elections;
Challenges...

- Budgetary shortfall;
- Short supply of human resources;
- Acquaintance with modern technology;
- Constant interface with stakeholders.
Expectations

• **ECN be further strengthened as an independent and competent EMB with:**
  – Constitutional mandate
  – Functional independence
  – Fiscal autonomy
  – Own human resources

• **Political parties' support and solidarity on ongoing activities of the Commission, such as:**
  – VR with photograph
  – Legislative reforms
  – Holding elections
Expectations...

• Civil society to play the role of facilitator, promoter and pressure group while pursuing positive changes;

• Media as a catalyst in opinion building;

• Monetary, material and moral support from the valued development partners.
The way forward

- Improving VR through e-registration;
- Use of modern technology in elections;
- Efficient electoral management and polling procedures;
- Enhancing universal democratic norms, standards and values in electoral management;
- Capacity building of all sectors of electoral management;
- Confidence building with stakeholders;
- Effective and efficient dispute resolution system and the notion of promoting electoral justice.
Finally...

- Free, fair and credible elections- foundations of democracy, vehicle for transition management;
- ECN's competence to hold any kind of election;
- Responsibility of free and fair election management with universal democratic standards;
- Independence, impartiality, objectivity, professionalism and excellence: guiding principles for ECN to move ahead.
Thank You