

DEMOCRACY

RESOURCE CENTER

Preliminary Statement on Nepal's House of Representatives and Provincial Assembly Elections, 2017

December 31, 2017

1. Introduction to DRCN Observation of Federal and Provincial Elections, 2017

The first House of Representatives (HoR) elections under the new Constitution, along with the first ever elections for the seven provincial assemblies, were held in two phases, with the first phase on November 26 and the second phase on December 7, 2017. Democracy Resource Center Nepal (DRCN) conducted long-term and short-term observations of both phases to assess the electoral processes before, during, and after the election days, as well as to monitor the overall political and security situation around these elections. This preliminary statement outlines key findings from the observation of both phases of these important elections. DRCN will release a final and comprehensive report on the observation findings with specific recommendations in January, 2018.

Eight mobile DRCN long-term observation (LTO) teams were deployed to observe campaigning and preparations for the first phase of elections on November 19. Six additional short-term observation (STO) teams were deployed on November 22 to observe the campaign silence period, election day processes, and ballot security.¹ On December 1, the eight mobile LTO teams moved to the districts going to polls on the second phase to observe pre-election developments. Fifteen additional short-term teams joined the LTO teams on December 4 to observe the silence period, election day processes, and counting. In both phases, DRCN observed pre-election developments in sixteen districts, covered a total of 376 polling centers across 39 districts during the election day, and observed vote counting in 21 districts. Three DRCN LTO teams are currently observing post-election environment and will be in the field until the end of December, 2017.

As an independent organization focused on producing robust and localized research around Nepal's political transition, DRCN observed these elections with an objective of assessing the technical and political processes and provide recommendations to relevant stakeholders to help improve the quality of future elections.

¹ Including pre-election and election day, DRCN LTO and STO teams observed in 13 districts for the first phase and covered 35 districts during the second phase.

2. Political and Security Overview

The new Constitution of Nepal mandated that the elections for all three newly restructured layers of governments be concluded by 21 January, 2018. The first of these elections for the local units were concluded in three phases on May 14, June 28, and September 18, 2017.² On August 21, 2018, the Government of Nepal (GoN) announced that the elections for both the HoR and the seven provincial assemblies would be held in a single phase on November 26, 2017.³ Responding to logistical concerns expressed by the ECN regarding holding the elections in a single phase, the GoN, on August 30, rescheduled the elections to be held in two phases on November 26, and on December 7, 2017.⁴

In one of the key political developments prior to these elections, Communist Party of Nepal United Marxist Leninist (CPN UML) and Communist Party of Nepal Maoist Center (CPN-MC), two of the three major political parties, along with the Baburam Bhattarai-led Naya Shakti Party, announced a broad electoral alliance on October 3, 2017, with plans to unify into a single party after the elections.⁵ This led the ruling Nepali Congress Party to form its own alliance with smaller parties, including the Kamal Thapa-led Rashtriya Prajatantra Party (RPP). The Rashtriya Janata Party Nepal (RJPN) and the Federalist Socialist Forum Nepal (FSFN), two major parties influential in Madhes, also formed their own alliance. The formation of these national and regional alliances changed the outlook of the overall political mood and the subsequent campaign environment.

The major pre-election security situation featured frequent explosions of improvised explosive devices (IEDs), often targeting candidates, including central-level leaders of major political parties. One temporary policeman died during treatment after sustaining serious injuries in one such explosion in Dang on November 28.⁶ In the official campaign period for the first phase between October 22 and November 23, NepalMonitor.org recorded a total of 114 election-related incidents of which 45 incidents were related to unidentified groups and explosions of IEDs.⁷ Similarly, 64 election-related incidents were recorded during the second phase campaign period between November 27 and December 4, of which 50 incidents involved unidentified

² Read DRCN's final report based on observation of all three phases of local elections here: http://democracyresource.org/wp-content/uploads/2017/11/DRCN_Local-Election-Final-Observation-Report_Eng.pdf

³ See: <http://www.myrepublica.com/news/26034/>

⁴ As per ECN's recommendations, the government decided that elections in 32 districts in high-hills and mountains would be held in the first phase on November 26, and the remaining 45 districts in the hills and the southern plains would go to polls on December 7. See: <https://thehimalayantimes.com/nepal/election-commission-preparing-two-phase-provincial-parliamentary-polls/>

⁵ See: <http://kathmandupost.ekantipur.com/printedition/news/2017-10-04/uml-mc-naya-shakti-form-broad-alliance.html>

⁶ 23-year old Binod Chaudhary died while undergoing treatment after sustaining serious injuries in an explosion targeting a mass rally that was being addressed by Prime Minister Sher Bahadur Deuba.

See: <http://kathmandupost.ekantipur.com/news/2017-11-29/temporary-cop-injured-in-dang-explosion-dies.html>

⁷ See DRCN's 'Analysis Report on Campaign Period Incidents Prior to First Phase Elections': <http://democracyresource.org/wp-content/uploads/2017/11/Analysis-Update-15.pdf>

groups and IED explosions.⁸ While no groups claimed responsibilities for these explosions before the elections, a central level leader of Biplav-led Communist Party of Nepal (CPN) issued a press statement immediately after the second phase election claiming responsibilities for ‘all explosions around the elections’.⁹

There were widespread pre-election concerns that these explosions would affect both campaigning and voter participation on the two election-days. DRCN did not find strong evidence of campaigns and voter turnouts being critically affected, an assertion commonly made by district level security and election officials, and backed by impressive election-day turnouts.¹⁰ Security and administrative officials told DRCN that, barring some notable exceptions, these attacks were carried out largely to create fear among the candidates and party cadres rather than to cause large-scale casualties. While exact numbers were difficult to obtain, several CPN (Biplav) cadres were held in preventive detention across the districts visited by DRCN. CK Raut, who has been campaigning for an ‘Independent Madhesh’ was arrested in the morning of the election day on December 7 from his residence in Janakpur. Police did not provide details on the charges against him but one officer told DRCN that the arrest was made for ‘breaching the election code of conduct during silence period by making public comments to the media’. Inter-party clashes occurred in several places but were reported to be less common than during the local elections. Election-days in both phases were largely peaceful, with some exceptions. The level of security deployment was generally very high, with areas categorized as ‘sensitive’ and ‘highly sensitive’ receiving additional security.

3. Electoral Legal Framework

Electoral process and Legal Framework

The Constitution of Nepal, 2015, requires the formation of a bicameral legislature at the federal level and a unicameral legislature at the provincial level under a mixed electoral system. The federal legislative body comprises a House of Representatives (HoR) with 275 members and a National Assembly (NA) with 59 members. The HoR is formed with 165 elected members under First-Past-the-Post (FPTP) electoral system and a further 110 elected members elected under the Proportional Representation (PR) electoral system in accordance with Article 84 of the Constitution. Of the 59 members of the NA, 56 (8 members from each of the 7 provinces) are elected from the electoral college.¹¹ Of the 8 members elected to the NA from each province, at

⁸ See DRCN’s ‘Analysis Report on Campaign Period Incidents Prior to Second Phase Elections’: <http://democracyresource.org/wp-content/uploads/2017/12/Analysis-Update-16.pdf>

⁹ See: <http://english.onlinekhabar.com/2017/12/07/410468.html>

¹⁰ The ECN said the voter turnout was around 65% for the first phase of elections and around 70% for the second. See: <http://kathmandupost.ekantipur.com/news/2017-12-09/turnout-revised-up-to-6958pc.html>

¹¹ Each Province will have an Electoral College comprising members of the Provincial Assembly, Chairpersons and Vice-Chairpersons of the Rural Municipalities, and Mayors and Deputy-Mayors of the Municipalities with differing vote-weightage, as per Article 86 of the Constitution of Nepal, 2015.

least three members must be women; at least one member must be from the Dalit community; and at least one member must represent people living with disabilities, or other minority populations. The President nominates the remaining three members of the NA, of which at least one member must be a woman, on recommendation of the federal government.

Each province has an assembly. Sixty percent of the members of a Provincial Assembly (PA) comprise twice as many as the number of members elected to the HoR from that province through the FPTP electoral system. The remaining forty percent of the PA members are elected through the PR electoral system as per Article 176 of the Constitution. Both HoR and PA will have sixty percent of their members elected under the FPTP system and the remaining forty percent under the PR system, whereas the Interim Constitution of Nepal, 2007 provided for forty percent of members to be elected through FPTP system and sixty percent through the PR system. This is a major deviation from earlier practices in terms of the formation of elected bodies. While filing candidacy under the PR system, the Constitution requires political parties to ensure representation of women, Dalits, indigenous peoples, Khas-Aryas, Madhesis, Tharus, Muslims, and backward regions, along with people living with disabilities.

The government formed the Election Constituency Delimitation Commission (ECDC) on July 30, 2017, under Article 286 of the Constitution. It was tasked with the preparation of a report within 21 days. Although the deadline for submitting the report was extended, the ECDC was given very little time to prepare its report. It submitted a report on August 30, based on which electoral constituencies for HoR and PA elections were delineated.

The Parliament and the ECN enacted and enforced essential laws for conducting the elections. The Act on Composition of the House of Representatives 2017, and the Act on Composition of the Provincial Assembly 2017 were enacted by the Parliament, but in a rushed manner, affecting the entire election cycle and ECN's preparations for the elections. Both laws did not require the political parties to submit names of persons from backward regions and persons living with disabilities for the PR system, and thus were in breach of the Constitution. A case was filed at the Supreme Court to question the constitutional validity of these laws. The ECN addressed the gap when it issued the Directives on the House of Representative Election 2017, and the Directives on the Provincial Assembly Election 2017.

The Act Relating to Electoral Rolls 2017 allowed the ECN to register voters for the elections. A total of 12,235,990 citizens were registered for the two phases of elections. The ECN issued the following six regulations and directives: Regulations on the Composition of the House of Representatives and Provincial Assembly; HoR and PA Election Directives under PR electoral system; HoR and PA Election Directives on Code of Conducts; Directive on Enforcement of Voter Education; HoR and PA Election Directive on Dispute Settlement; and, HoR and PA Election Directive and Code of Conduct for National and International Observers. These legal frameworks helped conduct the overall aspects of the elections. The ECN made a few amendments to some directives to adjust the last-hour changes. The ECN had to print separate ballots for the HoR election and the PA election under FPTP electoral system following a

Supreme Court order, resulting in amendments to the directives. A separate Directive on Counting was approved by the ECN on November 25 to regulate the vote counting process.

NA elections are yet to be held. A key law for the election of NA members – Ordinance on NA Elections – was approved by the government and sent to the President for approval. After some significant delay, the President finally approved the ordinance on December 29, 2017.¹²

4. Observation Findings

a. Pre-Election Period

Candidate Nomination Process

DRCN could not observe the candidate nomination process as the observer teams were deployed when the official campaigning period had already begun. In the districts where DRCN observers visited, respondents, including candidates, said the process was generally well-organized and concluded on time, with no significant challenges. In many districts, including Nuwakot and Chitwan, the process of verifying candidacies had started a day earlier to complete the candidate finalization process on time. The process was reported to have been notably smoother than for the local elections, largely because of a relatively small number of candidates, and a greater efficiency of election officials.

Campaigning

All the major political parties and candidates campaigned actively in the districts DRCN teams visited. The mode and nature of the campaigning was reported to have changed in comparison to the local elections. This was largely due to the formation of major electoral alliances prior to the elections. The most notable of these alliances were the ‘Left Alliance’ between CPN-UML and CPN-MC, and the coalition between the Nepali Congress and other parties, including the RPP.

A common opinion persisted that the campaigns were ‘less vibrant’ than during the local elections. Most of the parliamentary and provincial constituencies were bigger with fewer candidates. This significantly reduced candidates’ reach to individual voters at the ward-level through door-to-door campaigning, which was the most common form of campaigning during local elections. This led to party cadres and candidate representatives leading campaign activities at the local levels with major leaders and candidates participating in bigger rallies and mass meetings.

¹² The NC-led government proposed a single transferable voting system for NA elections, while the alliance of CPN UML and CPN-MC has opposed the system. This disagreement was the key issue of contention in the immediate aftermath of the elections with uncertainties emerging on the formation of the new government See: <https://thehimalayantimes.com/kathmandu/prez-approves-national-assembly-election-ordinance/>

Two major parties, the FSFN and the RJPN – who formed an electoral alliance of their own – were most active in the southern plains, with FSFN also active in other parts of the country. The campaigning of smaller parties and independent candidates were concentrated in areas of their influence. Parties like RPP, RPP (D), Rashtriya Jana Morcha, Nepal Majdur Kisan Party, and Naya Shakti Party campaigned nationally but were influential only in selected regions. The newly formed Sajha Bibeksheel Party focused most of their campaigning in the capital and few urban centers.

Corner meetings, door-to-door visits and mass rallies were the most common modes of campaigning. The major political parties, especially the Nepali Congress and the CPN UML/CPN-MC held several large-scale mass meetings addressed by central level leaders in many districts. DRCN teams reported common use of flags, banners, and posters, especially during the final days of campaigning. Use of vehicles with loudspeakers broadcasting slogans and campaign songs were observed mostly in district headquarters and urban areas. Major parties and alliances made active use of the national and local media outlets to publish and broadcast promotional advertisements and infomercials. Local and community radio stations were commonly used, more commonly in areas with limited access of print and broadcast media. Such promotional materials and advertisements were also disseminated in local and regional languages. All the major candidates, as well as some smaller parties like Sajha Bibeksheel Party, widely used social media platforms. DRCN heard complaints in multiple districts that the major national and media outlets gave disproportionate coverage favoring the two major alliances.

DRCN observers noted some innovative ways adopted by political parties and candidates for campaigning. CPN-UML distributed *hawai patra* – personalized arogram letters promising stability and prosperity under the new ‘Left Alliance’ government – signed by its chairman, K. P. Oli. In some districts like Rolpa and Dolakha, DRCN observers reported that campaign activities were relatively muted. According to key respondents, this was due to an anticipation of a ‘definite victory’ for the CPN UML/CPN-MC alliance. On the contrary, some districts like Nuwakot, Dhanusha and Sindhupalchok saw aggressive campaigning with some major central level leaders involved in highly contested races.

Campaign Codes of Conduct

Election officials in many districts claimed that codes of conduct were followed and enforced more effectively than during the previous elections. Although DRCN observers did not come across official complaints and enforcement, there were widespread reports of such violations. In Janakpur of Dhanusha district, DRCN observers found that candidates from major political parties were using children to distribute and post pamphlets by paying them Rs. 1,000 per day. DRCN observers also heard multiple reports of political parties fielding independent ‘dummy’ candidates. According to key respondents, such candidates were fielded in order to increase the

number of party agents, and to obtain permits for multiple vehicles for use during campaigning and on the election day.¹³

Campaign Silence Period

Although the ECN mandated an upper ceiling on a candidate's expenditure for campaigning, there were widespread reports and claims by multiple stakeholders that most of the candidates exceeded their limits.¹⁴ DRCN heard widespread reports across all districts visited that there were abundant activities like feasts for voters, and distribution of cash and in-kind benefits to buy influence over voters during campaign silence period. According to DRCN teams, such reports of excessive spending were more common in districts and constituencies with closely contested races.

Pre-Election Security

The frequent IED explosions, often targeting leaders and candidates, raised pre-election concerns that both the campaigning and the election day could be affected. DRCN teams in the districts however reported that there were no indications of campaigns being significantly impacted, and both election-days saw impressive turnout of voters.

Voter Education

DRCN observers across all districts reported that voter education was generally ineffective and inadequate. Respondents, including voters and representatives of political parties, expressed concern that very scanty information regarding the overall electoral process, proper ways of marking ballots, and the differences between provincial and parliamentary elections had reached the voters. Confusion regarding the separate ballots for the provincial and parliamentary FPTP races, and the single ballot for both provincial and parliamentary elections under PR, were very common.

ECN officials claimed that efforts had been made to educate voters through volunteer deployment to the local level, advertisements and infomercials on both local and national media, putting up posters and pamphlets in public places, and street plays, among other methods. Mock-polling had also been conducted in many districts visited by DRCN, but some officials told DRCN that they could not manage to conduct required numbers of such mock-polls. DRCN observers, however, found that most of these activities were rushed and did not reach all the voters. The inadequacy of voter education was acknowledged by many ECN officials who said their efforts were affected majorly by the last-minute change in the separation of FPTP ballots

¹³DRCN teams reported such instance in multiple districts including Dhanusha, Kapilvastu, Jhapa, Kathmandu and Kailali.

¹⁴ For the FPTP post the ECN has capped NPR 2.5 million and 1.5 million for parliamentary and provincial candidates respectively. Similarly, expenditure limit for PR candidates is set at NPR. 200 thousand and 150 thousand.

for the parliamentary and provincial elections.¹⁵ Political parties and candidates also initiated their own voter education campaigns, using sample ballots to urge voters to vote for their particular parties or alliances. Many interlocutors told DRCN that the potential for invalidation was higher for PR ballots in both provincial and parliamentary elections as uninformed voters were likely to mark only one of the two required sections. Another common concern raised was regarding the possibility of voters marking more than one symbol due to the late formation of electoral alliances.

Voter Registration and Voter IDs

In all districts visited, new voters were added to the voter roll in the period after the conclusion of the local elections. There was no report of any specific group being left out from the voter register. However, there were several cases of technical errors in the list, including mistakes in serial numbers, discrepancy in the alphabetical sequence, and misspellings. DRCN observers found cases where voters had obtained their ID cards but their names were missing from the final list, thus rendering them unable to vote.¹⁶ There were also cases where voters from the same family were listed at separate polling locations. This added to the confusion among voters and election officials on the polling day. Additionally, a significant number of voters, particularly government officials, security personnel and observers, were excluded from exercising their voting rights.¹⁷

b. Election Day

The two phases of the national elections were characterized by improved enforcement of election laws and by a notable room for improvement in managing polling practices. During the election days for Phases 1 (November 26, 2017) and Phase 2 (December 7, 2017), DRCN deployed sixteen LTOs and 40 STOs across 39 districts. While the pre-election period was marked by violence, the two days of elections were generally peaceful.

Given that violence marred many aspects of the Local Level Elections, 2017, the national elections were marginally improved with largely peaceful elections. While many of the polling location issues from the local elections persisted, voters and others present at polling stations seemed to address these challenges more efficiently and with less conflict. For instance, a DRCN team in Dailekh noticed a party agent casting a vote on behalf of another voter. Another agent brought this potential violation to attention, and the former agent stepped aside. Strides also

¹⁵ In response to a contempt of court writ filed by RJPN leader Sarbendra Nath Shukla, the Supreme Court issued an order to ECN to separate the FPTP ballots for the parliamentary and provincial races just one month before the first phase election. See: <http://kathmandupost.ekantipur.com/news/2017-10-26/sc-orders-separate-ballots-for-two-polls.html>

¹⁶ DRCN noted such incidence Banganga, Kapitvastu; Birendranagar, Surkhet; and Bharatpur, Chitwan.

¹⁷ See: <http://kathmandupost.ekantipur.com/news/2017-11-01/sc-to-discuss-voting-rights-for-civil-servants-security-personnel-on-poll-duty.html>

continued to be made to accommodate women voters. DRCN teams documented all women-run polling locations created by the ECN as ‘women-friendly polling locations’ in districts such as Gorkha, Makwanpur, and Bajura. It is unclear, however, how these women-run stations affected the management of stations. Fewer inter-party clashes were observed, even in highly sensitive areas where prominent national politicians cast their votes.

While there was a notable trend of greater adherence to election laws, the management of polling locations continued to present challenges seen in prior elections, and new issues were also present. Disenfranchisement continued to be an issue. There is still no structure in place for Nepalis living abroad to vote, and the significant number of civil servants deputized to oversee polling across the nation were also unable to vote. Observers perceived proxy voting policies as a source of confusion, with its provisions weakly enforced. Observers reported instances in Bajura and Sindupalchowk where people were voting on behalf of others without being checked for proper authorization by polling officers. However, in one instance in Sindupalchowk, polling officers required proxy voters to receive ink mark on a second finger mark to indicate proxy voting in an effort to limit the instances a proxy could cast votes on behalf of other voters, and to avoid inappropriate assisted voting. Voter privacy also continued to be a cause for concern. Polling officers were reported in several districts as standing too close to voting booths, or as helping voters mark ballot papers. The interior of some voting booths were reported as being visible from surrounding buildings. Overall, it seems that crowding at polling areas was the main reason behind the lack of privacy experienced by voters.

Voter education continued to be dismal, as noted by observers and by the NHRC during both phases of the elections.¹⁸ Observers noted that some voters were especially confused by the multiple ballot system unique to these national elections. Despite challenges, the national elections saw strong voter turnouts. DRCN teams reported seeing both national and international observers including from NEOF, GEOC, Sankalpa, EOC, NHRC, INSEC, the European Union, and the Carter Center at various polling locations.

c. Post-Election

Ballot Security

Considering the possibility that results of the first phase of elections would influence the second phase of elections, the ECN decided to start vote counting only after the completion of the second phase of polling held on December 7, 2017. Ballot boxes were secured at designated locations at district headquarters after the first phase of elections. Concerns were raised initially about ballot security. However DRCN found that the ECN had managed adequate security and

¹⁸ See: <https://thehimalayantimes.com/kathmandu/voters-not-taught-to-cast-ballot-properly-says-nhrc/>

that the party agents took turns to keep an around-the-clock watch over the ballots. DRCN heard of no major complaints regarding the securing of ballots until counting.

Counting and Vote Invalidation

Upon the closing of the second phase of the elections, counting commenced at 5 PM on December 7, 2017, for the districts where the elections had taken place in the first phase. Counting started the following day, December 8, for districts where elections had taken place in the second phase, with the exception of Syangja and Arghakhanchi.¹⁹

Counting was initially slow, but gathered pace as the officials got more used to it. Counting of ballot papers for FPTP races was relatively faster compared to the counting of PR ballots. DRCN observers commonly noted a visible lack of interest from party and candidate representatives during the counting of PR ballots compared to the FPTP races.

DRCN is yet to obtain complete details on ballot invalidation rates, but significant numbers of invalid votes were noted in places observed. DRCN observers also reported a higher incidence of invalidation among PR ballot papers than in the FPTP races.²⁰ Multiple stamps for the same race was reported as the most common cause of vote invalidation. Incorrectly marked ballots, ballots with fingerprints instead of the designated swastika mark, and unmarked ballots were other common forms of invalidation. DRCN teams also reported a few cases where ballots placed in ballot boxes other than the specified ones were considered invalid.

Results

Election results have broadly been accepted by all the major parties and there has been no indication of inter-party relations deteriorating or potential tensions emerging. The alliance of two major parties, CPN UML and CPN-MC, formed just prior to the elections, registered an impressive victory, winning more than two thirds of the FPTP seats and more than half of the PR seats in the HoR. The alliance also won majority of seats in six of the seven provincial assemblies.

The new constitution ensures mandatory inclusion of women and other marginalized communities in provincial assemblies and the federal parliament, with representation of women guaranteed at least one-third of the total seats at both houses of the federal parliament.

¹⁹ In Syangja, two major alliances alleged each other of rigging the votes in some locations and demanded re-polling. Subsequent disagreements led to significant delays, with the counting commencing only on December 10. In Arghakhanchi, there was re-polling in two polling centers of a polling location in Neta on December 9, and the counting began on the same night. See: <http://kathmandupost.ekantipur.com/news/2017-12-10/stalled-vote-counting-to-begin-from-today-in-syangja.html>

²⁰ DRCN's preliminary analysis shows a similar trend, with the invalidation rates for the parliamentary election under PR higher than the invalidation rates for both Parliamentary and Provincial FPTP races. The highest invalidation rates have been noted in the provincial elections under PR. For example in three parliamentary constituencies of Dang district, around 6% votes were invalid in the parliamentary races under FPTP; the rate of invalidation was about 10% for the parliamentary PR; and almost 15% in the provincial PR

Widespread concerns have been raised regarding dismal number of women and minority filed for candidacy and elected through the FPTP races.²¹ This will compel the major parties to bring in disproportionately higher number of women through their PR lists to ensure the required representation.

Complaint and Adjudication

DRCN observers reported very few cases of election-related complaints filed. NC candidate in province 4 (1) in Tanahu district, Pradip Paudel, filed a complaint demanding for re-polling in some locations in which more ballots were found than documented.²² He had lost the election only by 5 votes. Since the ECN has already made the formal announcement of the result, he has now filed a case in court. Resham Chaudhary, accused of being involved in the Tikapur incident in which eight policemen and an infant were killed, won the election for HoR from Kailali-1. Since he has been absconding, the ECN has said that his victory certification will be sent to the HoR and not handed over to him directly. The Supreme Court, on December 24, denied Chaudhary's writ to collect the certificate through a proxy.²³

Observer Access

DRCN observers reported concerns regarding limited observer access to some key electoral processes, most notably during early stages of counting. In multiple cases, DRCN observers were allowed to observe counting for a very short period of time. In some locations observers were asked to stand in a corner from where it was difficult to observe the important processes. Similar issues of observers being denied access have been raised by other domestic and international observer groups.

5. Conclusion

The completion of these two very important elections under Nepal's new Constitution marks a significant step forward in Nepal's political transition. DRCN commends the efforts of the ECN in ensuring these elections despite less than ideal conditions, and inadequate time for preparations. DRCN congratulates the people of Nepal who turned out in impressive numbers despite frequent incidents of IED explosions in the build-up, and less than favorable weather conditions in some regions, to elect members to the HoR and the seven provincial assemblies. The political parties, national and international media, domestic and international observer

²¹ Only six women candidates won out of the 165 FPTP seats in the HoR (3.6%). Of the total 1925 candidates filled nationally, only 144 were women (7.5%). Similarly only 17 women won the FPTP seats from the total of 330 seats in the provincial assemblies (5.2%). Of the 3239 total candidates for FPTP races in seven provincial assemblies, only 240 were women (7.4%).

²² See: <http://english.onlinekhabar.com/2017/12/10/410588.html>

²³ See: <http://kathmandupost.ekantipur.com/news/2017-12-24/sc-denies-resham-chaudhary-from-collecting-election-certificate-through-attorney.html>

groups, civil society, and international community all played important roles in creating a conducive environment for these elections.

Despite largely peaceful polling day and high turnout of voters in both phases, DRCN observation has found significant concerns and challenges in both political and technical processes around these elections. High voter turnout alone doesn't adequately represent the will of the people. While the details are yet to be made public, DRCN has seen very high rates of vote invalidation – over 15% in some races. Voter education continued to be both inadequate and ineffective with ECN's efforts limited to teaching voters how to mark ballots. DRCN observation noted that a significant number of voters were unaware of the new structures and what they were voting for. Widespread concerns have also been reported on the increasing influence of money on elections with the ECN both unwilling and under-resourced to comprehensively enforce the election codes of conduct.

On the political side, major political parties and alliances continued to engage in clashes and breaches of codes of conduct. The parties also did not seem genuine in ensuring the inclusion of women and marginalized communities as reflected in a dismal number of women and minority candidates filled in directly elected races. The failure of the previous legislature to enact necessary laws on time has also provided fresh political challenges in the immediate aftermath of these elections. The lack of legal clarity on the formation of the national assembly has already indicated that similar challenges may arise in the future.

DRCN urges all the relevant stakeholders to draw important lessons from these elections to ensure that voter and civic education should be prioritized throughout and not be limited to a narrow window during elections. The ECN must plan and execute the electoral preparations like voter education, voter registration better. Major political parties and alliances must change the political culture and work to overcome their shortcomings by ensuring compliance with the Constitution and working towards ensuring long-term peace and security based on inclusive and participatory democratic principles.