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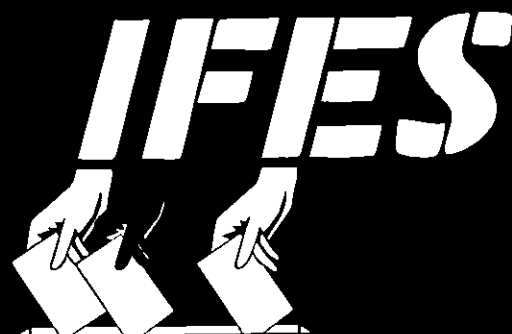
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KINGDOM OF NEPAL

TECHNICAL ASSESSMENT OF ELECTION SYSTEM PERFORMANCE

Phase 2: July-August 2000

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List of Terms and Abbreviations

CD	Compact Disk
CDO	Chief District Officer
DANIDA	Danish International Development Agency
DB	Database
DEO	District Election Office
Gb	Gigabyte
ID	Identification
IFES	International Foundation for Election Systems
MP	Member of Parliament
NGO	Nongovernmental Organization
RAM	Random Access Memory
USAID	United States Agency for International Development
VDC	Village Development Committee
VNRO	Voter Name Registration Official

INTRODUCTION

On 17 May 1999 the Kingdom of Nepal completed its third parliamentary general elections since the restoration of democracy in 1990. The elections were held in two phases. On May 3, the first phase was held in 36 districts. On May 17, the second phase was held in the remaining 39 districts. Most observers viewed the election as basically free and fair. A total of 8,894,664 (65.79%) of the 13,518,813 registered voters cast their ballots in an atmosphere of relative peace and order.

Despite the widely recognized success of the 1999 election, the Election Commission of Nepal, political parties, and international and domestic observers identified a number of problems in the conduct of the elections. These problems centered on

- Location and number of voters at polling stations
- Identification of voters in areas with voter identity (ID) cards
- Allegations of violations of the election Code of Conduct
- Resolution of election complaints
- Violation of campaign expenditure limits

Through funding from the United States Agency for International Development (USAID), the International Foundation for Election Systems' (IFES) Senior Advisor for Election Administration Joe Baxter traveled to Nepal from 26 December 1999 to 7 January 2000 to assess the current administrative and procedural framework of Nepal's election system and to explore possible areas for improvement of the process. During the mission, Mr. Baxter met with officials from the Election Commission of Nepal and civil society organizations interested in the electoral process.

Mr. Baxter identified three broad areas of the election administration process in Nepal where changes might improve and strengthen the electoral process.

1. Structure for Election Administration

The assessment found that the Election Commission has made an excellent beginning in planning to open offices in all 75 districts in Nepal (five opened in 1998, 25 planned in 2000, 25 in 2001 and 20 in 2003). However, much more attention should be focused on the human resource issues related to the establishment of these offices.

2. Voter Registration and the Voter Identification (ID) Card Process

The assessment found that the review of the voter register in 2000 will result in a much more credible register for future elections; but, there is potential for serious problems related to the issuance of voter ID cards and the lack of Election Commission control over the process.

3. Election Code of Conduct

The assessment found that the Code of Conduct used for the May 1999 elections was an excellent start in developing a code that establishes the necessary conditions for a free and fair campaign process. However, there were a number of problems evident in the enforcement of provisions of the code in 1999 that warrant a review of the provisions with the political parties.

In order to address the issues in IFES' earlier assessment, IFES sent to Nepal Mr. Vic Butler, an election consultant, to follow-up the areas of concern identified by Mr. Baxter and to make specific recommendations for change. Mr. Butler worked in Nepal from July 1 to August 4 and again from August 18-26, 2000. He met with commissioners and officials of the Election Commission of Nepal, members of both houses of Parliament, representatives of the three principal parties holding parliamentary seats, central and local government officials, nongovernmental organizations (NGO) active in the area of democracy and governance, the Danish International Development Agency (DANIDA), and members of the United States embassy and USAID mission in Kathmandu.

In initial discussions with USAID and Election Commission officials the consultant was asked to focus more closely on issues relating to the sustainability of the voter identity card and the effectiveness of the Election Code of Conduct. He traveled to two of the five districts where pilot district election offices (DEO) had been established by the Election Commission, and also visited three other districts where offices had only recently been opened. He concluded his second visit by assisting in the development and delivery of a short informal workshop under the auspices of the Election Commission. The workshop brought together key figures with an interest in issues relating to the development of the democratic process in Nepal for discussion of election-related issues and concerns, in particular the election Code of Conduct.

This report concentrates on three issues relating to the current situation of the Election Commission of Nepal:

- Progress in establishing the district election offices which form a central part of the Commission's Five Year Development Plan
- Voter registration and the development of a sustainable system for the voter identity cards now being issued
- The effectiveness of the Election Code of Conduct and possible revisions to the code

Although not yet beyond a pilot phase, the development of district election offices has already encountered difficulties. If these offices are to be used to carry out voter registration and the issue of voter ID cards within a system under the management of the Election Commission, then they must be given the standing, powers, and duties to enable them to undertake these responsibilities. Centralized management of these activities is not an option. Only a strong

district presence will bring voter registration, the issue of ID cards, and indeed the conduct of elections, under the control of the Election Commission, where it properly belongs.

The effectiveness of the ongoing program to introduce a voter ID card throughout the country depends upon the accuracy of the current voter rolls, and the extent to which these are inflated, either deliberately or through a failure to remove persons who are deceased or have moved away. There is a need to bring the preparation of the voter rolls under the direct control of the Election Commission through the district election offices. The first steps to do so, which will be taken in 2001, are welcome. A program to revisit those constituencies where voter ID cards have already been issued will be required as a matter of urgency. A longer-term plan to put in place a system for the continuing issue of voter ID cards, ideally linked to the process of voter registration, should be developed and implemented directly by the Election Commission. Recommendations, and an indicative summary of costs, are provided to achieve these steps.

The Election Code of Conduct is widely seen as ineffective and deficient in its central purposes of permitting peaceful campaigning and leveling the playing field for all election candidates. A re-appraisal and review of the code's provisions is necessary, based upon recent experience and concerns expressed by those having an interest in the code, as represented at the August 2000 workshop.

Recommendations are set out in full in the text of this report, and summarized for convenience in Appendix G. Brief comment is offered about a number of other issues that impact upon the work of the Election Commission and the electoral process.

During the assignment in Nepal, the consultant had the assistance of many people concerned both directly and peripherally with electoral matters. To the extent possible, they are acknowledged in Appendix A. The assistance they offered is gratefully recognized; without their ready co-operation it would not have been possible to secure the information that forms the basis of this report.

I. THE FIVE YEAR DEVELOPMENT PLAN: PROGRESS AND PROSPECTS

The Commission's Five Year Development Plan, prepared with the assistance of DANIDA, was put into effect early in 1998. The plan envisioned both the development of a strong, effective, professional, well-trained headquarters staff under the direction of the election commissioners, and the creation of a district election office in each of the country's 75 administrative districts. The district election office would be headed by a district election officer, with appropriate support staff, occupying a well-equipped office sited in the district headquarters town. The plan states clearly that district election officers will be appointed as both chief voter name registration official (VNRO) for all constituencies in the district and as returning officer for all local elections. For parliamentary elections, where district judges are appointed as returning officers, the district election officer is to have responsibility for the arrangement and conduct of the poll and count, acting in support of the returning officer.

It is not the intention of this report to provide a detailed analysis of the Five Year Development Plan. It is important, however, to have a clear picture of the progress of the plan at the district level in order to look at the issues of voter registration and voter identity cards, and the capacity of the district election offices to take on additional responsibilities in this regard. These vital activities of the Election Commission are district-focused. To be carried out effectively they require the support of strong district election offices, as clearly envisioned in the Five Year Plan. Visits were therefore made to two of the five pilot district election offices, at Pokhara in Kaski District and Hetauda in Makwanpur District. These offices were opened in April 1998. Three of the newly opened second phase offices, at Kalaiya in Bara District, Birganj in Parsa District and Bharatpur in Chitwan District, were also visited. Here the newly appointed district election officers had been at their postings for little more than a week at the time of the visits. Discussions were held with the district election officers and other DEO staff, the chief district officers (the official representing the Ministry of Home Affairs in each district) of Bara, Hetauda and Kaski, and others concerned with aspects of election management and administration. It was clear from these discussions that the development of the district election offices as "an augmented and authoritative presence [of the Election Commission] in the districts," as envisioned in the Five Year Development Plan, has some way to go.

A principal cause of the slow development of the district election offices is the dominant position within the districts of the district office headed by the chief district officer (CDO). The CDO is an official of the Home Affairs Ministry, and until early 1998 was responsible for the conduct of elections in each district. Staff on the payroll of the Election Commission worked within the CDO's office and under his control on election-specific tasks. The creation of the district election office was clearly a situation that needed to be clarified, with a well-defined and agreed-upon role for the district election officer and his small staff (some transferred from the CDO's office). This has not yet happened. The CDO at Pokhara stated that he now "works closely with the district judge and the DEO, but this is a matter of practice rather than law." He took the view that the role of the DEO was purely as an administrative support unit to enable the district judge and himself to concentrate on their election management duties as returning officers. He saw no prospect of the DEO being able to take over these duties.

In Pokhara, the district election officer similarly regarded himself as first and foremost accountable to the CDO in respect to day-to-day functions of his office. For the 1999 general election the district election office had provided full support services, at the request of the district judge acting as returning officer, for only one constituency of the three in the district. The returning officers for the other two constituencies had, by their own choice, sought only limited help. In discussion with his colleagues the Pokhara district election officer had learned that even this limited involvement had not been extended in any of the constituencies in the other four pilot districts.

As the law is currently framed, the Returning Officer has full discretion over whether to use the services and support available from the district election offices *unless the Election Commission gives some specific direction in this respect*. This has not been done as yet. The

Pokhara district election officer, when asked to indicate for which functions he was accountable to the Election Commission, identified the disbursement of payments to staff working as enumerators in the updating of voter rolls. He stated that the CDO was the chief voter name registration officer for the district, with himself as assistant VNRO accountable to the CDO in that task, including the selection, training and control of enumerators and distribution of materials. The district election officer has not, therefore, been designated as chief name registration official. He provided training to enumerators using materials prepared by the Election Commission. He had no involvement in the voter ID card exercise taking place except in one of the three constituencies comprising the district. The others were being handled by the CDO.

In the other districts visited the situation was similar, and in some respects worse. The CDO at Hetauda was particularly dismissive of the value of the pilot district election office opened there in April 1998. His view was that the offices should be made effective or closed. However, he was also critical of the role of the judicial officers generally appointed as returning officers, whom he considered frequently to be politically biased. He said that their role should be restricted to the conduct of the count, with the CDO taking all other responsibilities under his charge. As in Pokhara, the essential role of the CDO was stressed as the official who controlled and directed the security support provided to the election process by the police service. In contrast, the CDO of Bara District welcomed the opening of the district election office and was supportive of the eventual take-over of election functions by that office. He suggested the offices be strengthened with additional staff and resources, and the grade of district election officers in the 26 heavily populated districts of the Terai revised to properly reflect their responsibilities.

Communication between the DEOs and the Election Commission is also an issue. The district election officer in Pokhara explained that he was not required by the Election Commission headquarters to submit regular activity reports, nor did he receive regular visits or communication from headquarters staff. When asked to whom he reported at headquarters he replied that this would depend on the nature of the matter; there seemed to be no established line of communication or reporting hierarchy. This experience was shared by his colleagues in other districts, who had little or no ongoing contact with Election Commission headquarters. The result of this failure to establish effective operating procedures, clear-cut responsibilities, and lines of communication is extremely damaging to the Election Commission's intention to establish an effective presence at district level. Moreover, with the exception of Pokhara, the standard of office accommodation was so poor, one could ask whether the district election office would ever be taken seriously by other organs of government or the public it is established to serve.

Given these circumstances, public service employees have a negative perception of the Election Commission as a career posting. The district election officer appointed to Hetauda in 1998 has moved on to another public service posting, to be replaced recently by an officer joining a staff team where morale is extremely low. Other new appointees admitted that they had tried to avoid posting to the Election Commission. The neglect of these officials strikes at

the ability of the Election Commission to deliver a vital element of the Five Year Development Plan.

Clearly, more than two years after the opening of the five pilot offices, the development of the district election offices and the role of the district election officers are moving at a pace and in a direction which gives cause for real concern. The experience of the pilot offices and the district election officers in this period should provide valuable lessons and indicators for the twenty-five offices now being opened. DANIDA has indicated its continuing support for this aspect of the Commission's Five Year Development Plan. It is strongly suggested that the review now being conducted for DANIDA by the Nepal Administrative Staff College serve as a catalyst to enable the initial experience and current situation of the pilot offices to inform development of systems and procedures as the network of district election offices grows. The review should also include any necessary changes required to laws concerning the conduct of elections and the registration of voters to provide the district election officer with a clearly defined role grounded in law rather than practice and custom. Appropriate amendment of the Act Relating to Electoral Rolls 1995 would strengthen his position, moving the responsibility for preparation of the voter roll to the district election officer in those districts where district election offices have been opened. Further amendment to the House of Representatives Members Election Act 1991 should establish as mandatory the support role of the district election office in respect of the returning officer for general elections. It should also designate the district election officer as returning officer for local elections, as intended in the Five Year Development Plan.

This matter was discussed at length with the joint secretary (operations) at the headquarters of the Election Commission, and the project manager/adviser of the DANIDA-sponsored Support for the Development Plan of the Election Commission Project. There was agreement that the situation outlined above undermined the efforts of the Commission to establish an effective presence in the districts, and that urgent action was needed to bring the program of new office opening back on track. The report by the Staff College, expected shortly, would provide a valuable opportunity to revisit the issue and re-launch the district election office program, providing the necessary systems, procedures, lines of communication and specific areas of direct responsibility necessary to fully operationalize the offices and motivate the staff. It is particularly important that a job description for district election officers, based upon their functions as set out in the Development Plan, should be structured and implemented. Of equal importance is the creation of an effective management structure linking the four under-secretaries of the headquarters operations division, responsible for the Eastern, Western, Far Western and Central Regions, with the DEOs in their geographic area of responsibility. This calls for a regular reporting system and visits to ascertain progress and assist building an effective presence.

An important issue raised in the IFES technical assessment report of January 2000 is worth reiterating in the context of the present situation. The report, having examined issues of professionalization and the building of an institutional memory, states -

To ensure professional election administration structure and to develop and maintain an institutional memory of how elections are managed, most countries with independent election authorities allow those institutions to establish their own career tracks within the overall civil service system. As an employee moves up through the election career path, he or she gains experience in the various aspects of election administration. As elections are held, s/he acquires the institutional memory necessary for the improvement of the process in the future. In addition, the election administration career path reinforces the functional independence of the election authority as it has sole authority for hiring, promotions, and dismissals of staff. This concept is not new to Nepal. Within the judicial service, appointment, promotions, transfers, and disciplinary actions of judges at the appellate and district level are under the jurisdiction of the Judicial Council. [Note: It is understood that similar provision now exists with respect to the auditor general's department.]

Currently, the staff of the Commission is comprised of civil servants drawn from the Nepalese civil service system. Except for those who have worked in previous elections (most recently in May 1999), none have election administration experience, or are required to have election administration experience, before being assigned to the Commission. In addition, the government can and does assign and transfer staff from the Commission at will. While the current government discusses with the Election Commission any plans it has for assigning or transferring staff, this consultative process may change with the next government in office. For the management of elections at the district level, the Commission relies for the most part on district judges as returning officers assisted by a number of other district officials. For most of these individuals, their careers (and their dedication to the election process) are not dependent on the successful administration of the elections.

As the Commission moves from an institution of approximately 130 employees mostly at the headquarters level, to an institution of 450–500 in all 75 districts in the country, the ability of the Commission to set and manage its staff requirements becomes even more critical. It is difficult enough for the Commission to function effectively, with the government having the ability to transfer and assign senior Commission staff; it will be even more difficult as district officials become subject to the same government authority. While the government's transfer and assignment of staff may go unnoticed at the national level where few of the employees are publicly known outside the Commission, it will be a very public matter at the district level. In addition, the provision of current law - that once a person is appointed as an election officer the government is precluded from transferring the person without the Commission's approval - does not prevent a reprisal transfer after the election. (Joe Baxter, *Kingdom of Nepal, Technical Assessment of Election System Performance, May 1999 General Elections*, IFES: January 2000)

It is urged that this suggestion should be seriously considered by the Election Commission at an early date, with a view to putting itself on the same footing with respect to the engagement and control of staff as the other constitutional bodies referred to above. If it were possible to secure this change, the impact on the ability of the Election Commission to reinforce and further develop its position of independence and impartiality at both the headquarters and district levels would be immediate. If the Commission were able to attract and retain staff of an appropriate caliber, the creation of a distinct career strand within the overall public service would be positive for both current and prospective staff. The change would substantially enhance the standing of the district election officer and the district election office. Together

these changes would move the intention which underpins the Five Year Development Plan - the development of a strong, independent body to manage the conduct of elections and voter registration in Nepal - significantly nearer to achievement.

Recommendations:

- 1) The Election Commission should revisit, review, and re-launch the program for opening of district election offices, using the forthcoming report of the Nepal Administrative Staff College as an opportunity to consider what changes are required to achieve the outcomes set out in the Five Year Development Plan.
- 2) The relevant current laws should be carefully considered and any necessary changes made so as to enable the Election Commission to transfer responsibilities for preparation of electoral rolls, distribution of identity cards and conduct of elections to the district election officers, once district offices have been established.
- 3) Proper arrangements should be put in place for defining the role of the district election officer and his staff. This should include clear job descriptions, effective operating procedures, clear-cut responsibilities, and lines of communication. These should be communicated to the CDO by senior officials visiting from Commission headquarters when a new office is opened. They should also be established for existing offices in discussion with the CDO concerned, again with the involvement of senior officials from headquarters.
- 4) Action should be taken without delay to establish the staff of the Election Commission on the same footing as those of the auditor general with regard to the generality of public service staff.
- 5) The above recommendations should be implemented within the context of the Five- Year Development Plan.

II. VOTER REGISTRATION AND THE VOTER ID CARD

A. Voter Registration

Nepal has 13,518,813 voters on its present voter roll, prepared during 1998. The voter roll, under legislation passed after the 1994 election, is updated once each year. The update involves visiting all the approximately 3.5 million households in the country, verifying the information on the current roll, and updating the information with any changes (new registrations, deaths, and changes of address). However, no update was carried out in 1999 due to the general elections in May. The latest update took place in 2000.

Because the Election Commission lacks local offices to manage the process, the Ministry of Home Affairs undertakes the update of the voter roll under the direction and guidance of the Commission. The Commission exercises no direct supervisory authority over the CDO, the senior official of the Ministry with overall responsibility, or the enumeration staff, who are generally employees of the local government authority. At present, the Commission lacks the capacity to adequately supervise or monitor their operations even in districts where the Commission has now opened offices the CDO remains the responsible official. This is a major weakness of the process and has resulted in allegations that the registration staff are not dedicated and that the voter roll is inaccurate. The establishment of district election offices by the Commission has been, in part, a response to that criticism.

The electoral roll data is held in a single database at Commission headquarters in Kathmandu, where data is input each year to produce a revised roll. The process, from the first visits to households by enumerators to the publication of the revised roll, takes four months—from mid-April to mid-August. As mentioned in Part I of this report dealing with the district election offices, the intention of the Five Year Development Plan is to decentralize registration to the district election offices, bringing the process under the “ownership” of the Election Commission for the first time. In 2001, therefore, the computerized records of amendments to the current electoral roll are to be prepared at the five pilot offices, using the information gathered by enumeration staff trained by those offices. The quality of this district-based work will then be checked by headquarters for accuracy, but the first step in decentralization of the process, and the assumption of control by the Commission, will have been taken.

However, in discussion with local officials in the districts and with others concerned with registration matters, it is clear that there are a number of ongoing problems that tend to undermine confidence in the accuracy of the electoral roll. A report prepared for DANIDA in May 2000 also highlights such shortcomings in the quality of the electoral roll (*Final Report on Action Research on the Development and Establishment of a Revised Voters Registration Scheme for the Election Commission of Nepal*). These are attributed to a poor standard of work by enumeration staff, a lack of training and supervision, inaccurate input of data, and a failure to properly check draft registers. Under-registration results from a lack of interest by potential voters, the exclusion of internal migrants and newly married women, inadequate public information, lack of proper documentation, lack of time and poor organization, and political pressure. Over- registration is the result of multiple registration due to political pressure, and the failure to remove deceased persons and those who have moved out of the district.

Moreover, it is widely accepted that persons not holding Nepali citizenship, and therefore not entitled to vote, are listed in significant numbers in some districts, particularly in Kathmandu and the Terai area bordering India. IFES’ January 2000 report, *Technical Assessment of Election System Performance*, indicates that this is not a significant factor nationwide. It suggests poor administration as the likely principal cause of inflated registers, with names of those deceased or moved away from a household not being removed. In the conduct of future voter roll updates, whether under the control of Election Commission or Home Affairs

personnel, it is essential that appropriate and consistent national guidelines are issued by the Commission, and that a system is in place to monitor compliance. An electoral roll where the quality of the finished product depends solely upon the commitment and diligence of local-level staff, with no nationally enforced standard of performance, is unlikely to provide a satisfactory finished product. This is particularly so when the responsibility is in the hands of government employees owing no particular allegiance to the Commission.

Recommendations:

- 1) The recommendations of DANIDA's *Final Report on Action Research on the Development and Establishment of a Revised Voters Registration Scheme for the Election Commission of Nepal* (as set out in Appendix B) form the basis for further improvement of the existing voter registration process.
- 2) Action to implement those recommendations should be initiated without delay so as to have the proposed changes in place for the voter roll update in 2001.

B. Voter ID Cards

In the 1995 Act Relating to Electoral Rolls, the Election Commission was empowered to introduce at its discretion a voter identity card to be issued to each registered voter in a constituency, with priority to be given to the constituencies where municipalities and district headquarters were located. The voter ID card was intended to enable more effective identification of those entitled to vote, dealing with widespread complaints of voter fraud and impersonation in previous elections. The card adopted by the Commission includes both a photograph of the voter, taken with a digital camera, and the unique electoral roll number assigned at the time of registration. Section 25 of the act makes it mandatory for the voter to produce a voter identity card when attending the polling station to vote at an election.

Initially the Election Commission introduced the ID card as a test in three constituencies only, in the Eastern, Central and Far Western Regions. The first phase of a national program, a further ten constituencies, was undertaken during the 1997/98 financial year. Phase two comprising forty-one constituencies followed in 1999/2000. Phase three, which will extend the voter identity card to a further fifty-one constituencies, is currently proceeding, with cards now being produced for distribution in some constituencies. Once phase three is completed, 105 constituencies and 65% of registered voters will have been covered. Two further phases will be undertaken, the target being to complete the production of ID cards for all registered voters in Nepal's 205 constituencies by 2003.

Regrettably, at the present time no system is in place for the issuance of further ID cards to those who will be eligible to vote in future years. The issuance of cards has been approached as a "one-off" exercise, with no provision for newly eligible voters—those who reach eighteen years of age or registered elsewhere and moving to a new district—to be issued an ID card. Moreover, the whole exercise, in the absence of any effective district-level administrative capacity under the control and direction of the Election Commission, depends

upon the Home Affairs Ministry and contractors engaged by the Ministry, working under the chief district officer. The task of voter ID card issuance is not owned or controlled by the Commission. This has had serious consequences which are referred to below. Lack of sustainability beyond the initial card issue is an extremely serious problem, with more than half of the constituencies and an even greater proportion of the voting age population already covered by the voter ID card exercise.

Two further factors make it essential that action is taken immediately to put in place a district-based system which will enable those voters lacking an ID card to obtain one. The first of these is that an election for local government administrations is likely to take place no later than May 2002. The best estimate of the rate of change in the electoral roll year-by-year is around 3%. With this level of change, through both natural growth as young voters enter the rolls and because of population movement, existing voter ID cards are already substantially compromised. Considering the time which has elapsed since cards were first issued, many thousands of registered voters across the country will be disenfranchised because they do not possess a voter ID card, although they're legitimately registered to vote in a particular district. The Commission cannot exempt these voters from the ID card requirement without fatally undermining the basis of the voter ID system. Equally, if voters properly registered are turned away at polling booths because they do not possess a voter ID card, this will do significant and long-lasting damage to the confidence of the public in the capacity of the Election Commission to manage the elections. This is an immediate concern that requires effective short-term action.

The second factor which gives urgency to the need to achieve sustainability is the dubious quality of the work done by Home Affairs contractors to date. As described by CDOs in several districts the contractors lacked proper equipment, resources, or administrative and logistical capacity. They required substantial support from the CDO and his officials in order to carry out their work in the districts during the most recent phase. No assessment of the quality of their work has been produced. However, CDOs estimate that 50-60% of those entitled to receive voter ID cards were covered in the "photograph" phase of the exercises carried out to date. This shortfall is attributed by the CDOs to a combination of disinterest and absence at the time the photo team visited the village or town, and names of people continuing to appear on electoral rolls after they have died or moved elsewhere. Whatever the precise reasons for the shortfall in issuing voter ID cards, it has serious implications for the Commission. IFES' January 2000 assessment report analyzes figures available from earlier ID card issues, based on figures made available to IFES at that time:

The ID card issuance rate is about 77.3% of the total registered voters. Is this a reflection of the poor management of the process by the Ministry of Home Affairs? As noted earlier, the career of Ministry staff is not dependent on a credible voter roll. Is it the case that the numbers reflect the level of errors on the voter roll? Is it a combination of both?

If the card issuance rate is a reflection of poor management, and the voter roll is relatively accurate, a significant number of individuals (196,257 or 23% of all registered voters) from the affected constituencies were disqualified from voting in the 1999 general election.

The voter turnout in the voter ID card constituencies was much higher than actually reported by the Election Commission. For example, in Kathmandu District, the turnout was reported at 58.09% (272,230 of 468,646 registered voters). However, using the number of eligible registered voters (i.e., the 343,278 with ID cards) the turnout was 79.3%.

If the number of voter cards issued in the five districts is an accurate reflection of the actual number of *active registered voters* in the country and the average percentage is applied across the entire register, the number of active registered voters in Nepal is closer to 10.5 million or about 85.8% of the voting age population. By extension, the turnout in the May 1999 General Election was closer (in real terms) to 85% rather than the 65.7% reported. (Baxter, *Technical Assessment of Election System Performance*)

Notwithstanding the precise reasons for the shortfall in the issue of ID cards when compared with the current electoral rolls, and combined with the need to extend the issue of cards to those newly registered, an effective and timely response to the situation is vital. A program must be put in place as a matter of urgency to provide the Commission with the necessary district-based capacity to up-date the voter ID card issue in line with changes to the electoral roll since the original ID cards were distributed. This will require the acquisition by the Election Commission of sufficient digital cameras, computer software, printers, and lamination equipment to enable an effective update of the voter ID card exercise in the 105 constituencies which have already been covered by Ministry of Home Affairs contractors. It will also require a program to ensure that these constituencies are covered during the first six months of 2001.

Alternatives, such as those outlined in Annex C of the Commission's Five Year Development Plan could be considered as a short-term measure only (see Appendix C). However, the first option suggested provides a much lower level of positive identification than the Commission's own voter ID card and would likely leave many eligible voters unable to produce any identity document carrying a photograph. The second option, a simplified voter ID card, seems to contemplate the omission of the photograph of the voter. Experience elsewhere has shown that it is the photograph which gives reassurance and confidence to those who suspect the integrity of the process. Since the Commission has already embarked on a photo ID process, anything less, even as a stop-gap, would invite criticism from the political parties and civil society. In addition, the introduction of another process into the electoral roll update for 2001 would require an inordinate amount of additional administrative input for a result lacking the vital ingredient for confidence building, the photograph of the voter.

The preferred solution here is certainly the development of capacity for the Commission to take over the voter ID card update as a part of the responsibility of the district election offices, since computer and printer equipment is already available at these offices. Elsewhere, the update could be undertaken by contractors, but they would require careful management by Commission officials at the district level, and should only be considered where the Commission has not yet opened a district election office. Contracts should be rigorously managed by the Commission with insistence upon common standards and storage systems to provide for the eventual development of a national database (see section C below). This

should equally apply to the completion of phases four and five of the initial voter ID card issue, which is likely to need the involvement of contractors. Such contractors should be directly responsible to the Commission for the proper conduct of the exercise.

Beyond this short-term emergency action, a rolling program of update work should follow the opening of new district election offices. Equipment needs are relatively modest for an annual update of a voter roll with a change rate of around 3% in the names on the roll. Spread over the three years to the end of the voter ID card program, the purchase of digital cameras and associated equipment could be absorbed within the Commission's budget or be funded by a donor.

C. Longer-Term Developments

Once the short-term situation described above has been addressed, and action taken to bring the voter ID card issue under the direct control of the Election Commission through its own district election offices, consideration should be given to integrating voter registration and voter ID card issuance into a single seamless process. This will require both creative development of the computer capacity of the Commission at headquarters, and amendment of the present law relating to the preparation of electoral rolls. The Commission should seek to move by stages to a position where the person who wishes to register completes the application form or provides the information required to a Commission official, has a photograph taken, and receives a voter ID card at one and the same time.

A large computer database at headquarters will be required to store over 12 million digital photographs, indexed by village development committee (VDC), constituency and district, and to merge these with the existing electoral roll data. This database should be capable of access and amendment (with appropriate security checks) by the staff of the Commission at the district election offices. The storage of the photos on compact disk (CD) is unsatisfactory as a long-term provision, since on-line access will be required to move towards a continuous registration system (as envisioned in the May 2000 report referred to in part B above), although it is understood that the CD storage system has now been standardized.

Changes to the law concerning citizenship may eventually impact upon the Commission, but currently, possession of a voter ID card is not regarded as proof of citizenship. In these circumstances, issuing a card at the point and time of voter enrollment would represent a significant savings in time to the Commission. It would no longer need to distribute cards to voters as a separate exercise, and would significantly improve the service offered to the voter. The checking process which precedes the publication of a new voter roll, and therefore the formal acceptance of new voters on the roll, is a legal requirement at the present time. Changes would be required to the law to enable a streamlining of procedures for registration and photo ID issue, but these could be put in place with checks to guard against fraudulent registration, and the national database would make this easier to achieve. The Election Commission should regard adoption of such a system as a desirable outcome of their acquisition of full control over the voter registration and voter ID card systems. This should become a target towards which the Commission works. It should form the basis for early

discussions with political parties and government departments, and the drafting of appropriate amendments to the existing law.

Recommendations:

- 1) The Commission should recognize the serious nature and urgency of the problem it faces in seeking to update voter registration and ID card issuance in constituencies where ID cards have already been issued. It should recognize the gravity of the consequences if this problem is not addressed.
- 2) The Commission should acquire sufficient digital cameras, computer software, printers, and lamination equipment to enable an effective update of the voter ID card exercise in the 105 constituencies that have already been covered. The Commission should seek funding from the government or donor community for the equipment. (Quantity and cost guidance for equipment required for both short- and long-term measures are set out in Appendix D.) A small taskforce within the Commission should develop a program of action to ensure that these 105 constituencies are covered during the first six months of 2001. The program should be given priority for implementation.
- 3) The Election Commission should abandon its "arms length" approach to the issuance of voter ID cards. It should ensure that all further contracts for preparation of cards are made directly with the Commission, and that adequate management capacity is put in place to provide a proper and consistent standard of performance in each constituency.
- 4) Beyond the short-term emergency action set out in 1, 2 and 3 above, a rolling program of update work should be developed, which would follow the establishment of new district election offices.
- 5) In developing a longer-term strategy, the Commission should work towards integrating voter registration and voter ID card distribution into a single seamless process. As an initial step, computer storage capacity should be acquired that enables digital images and electoral roll information to be integrated and stored in a single database, again with donor support if necessary. (Whether or not other action recommended here is pursued, the proper storage of digital images will require this database). The configuration of the equipment should provide for remote access to the database by district election offices.
- 6) The taskforce in recommendation 3 should also turn its attention to the legal and management issues required to bring these longer-term changes to fruition. It should provide an action plan to achieve full integration by no later than the anticipated date of the next House of Representatives election in May 2004.

III. ELECTION CODE OF CONDUCT AND CONTROL OF CAMPAIGN ACTIVITIES

Any national election body, established by law as an independent organization, is in a very good position to oversee the campaign activities of political parties and their candidates. There is a definite role for the national body in helping to create the right environment for peaceful elections to take place, and in leveling the playing field for the contestants in those elections. Unless relevant regulations or laws are established within the electoral law of a country, drawing up regulations will be one of the early activities the national election body has to undertake.

However, it is of little value to have laws on the statute book or campaign codes elaborated, unless those who breach the law or code are subject to penalties. Moreover, it is of little value to include penalties in the law or code unless the offender, be it party, candidate, agent or voter, anticipates that breaches of the law are likely to be investigated, and proscribed penalties will be enforced. Punishments that are not applied will not deter wrongdoers.

Yet laws relating to the conduct of elections, especially those regarding political party and campaign financing, are often disregarded. There are several reasons why this is commonly the case. First, there may exist a culture of disregard for the law among the rival political parties and candidates. If most or all of them turn a blind eye to the regulations, none of them will wish to initiate a legal challenge against political opponents for fear of retaliatory actions against themselves. Informal 'non-aggression pacts' between professional campaign organizers of various parties are a common feature of political life. Second, the institution responsible for electoral administration may not possess an enforcement arm and, therefore, may be in no position to initiate inquiries or checks into possible wrongdoing. Breaches of the rules (for instance, concerning limits on permitted campaign spending) may be subtle and hard to detect. Without a qualified and properly staffed 'detective force' the authorities will frequently take no action unless presented with a complaint. They will merely respond, but they will not initiate inquiries. Third, when legal challenges are left to aggrieved individuals or parties (for instance, candidates who feel that they have been unfairly defeated), the costs of initiating such an action may prove prohibitive, and the legal process so slow as to render such action of only limited value.

The history of the development of the election Code of Conduct in Nepal parallels that of the elections held since the restoration of democracy in 1990. Prior to the second general election in 1996 there had been four codes promulgated by the Election Commission of Nepal and accepted by the parties contesting the successive elections held under the constitution promulgated in November 1990. These were developed respectively for the campaigns that preceded the first general election in 1991, local government elections in 1992, a series of by-elections in 1993, and the second general election in 1994. On each occasion the terms of the code were refined and expanded. The intention was clearly to curb the undesirable activities and excesses of previous campaigns, and to apply lessons from the experience of other countries in the region. These codes all had one feature in common, and potentially rendered each of limited value as a campaign control mechanism. The codes were voluntary in nature, lacking any legal force or enforceable penalty system. Instead they relied upon the integrity

of the contesting parties and candidates (and agencies and officials of the government in the 1994 code), and the moral force of the commitment they had made to adhere to the terms of the code. They also anticipated adverse publicity which would accompany any breach that came to public attention.

However, with reference to the code of 1994, Bishnu P. Adhikari had the following to say about the situation which pertained during that election:

Had it been followed by all the concerned agencies this set of code of conduct comprises almost everything to make an election free and fair, but still it lacked the foremost important provision, i.e., a fixed ceiling on financial expenses for election campaign of political parties and individual candidates. Due to the absence of a legally binding limitation on election campaign expenses, election has been turning into a fierce competition on money and muscle among the contesting parties. The issuance of this code of conduct and commitment of all the political parties and candidates to observe strictly, could hardly make any difference in the ever escalating instances of irregularities. Almost all the political parties equally indulged in violating the laws of election and code of conduct by encouraging to vote on duplicate name list, inciting violence in and around the polling stations, interfering the administration from its duty and preventing the voters to cast their votes. It has generally become a traditional rhetoric among the parties to cry foul by the defeated ones and the winner remain silent. So, election irregularities or violation of codes is increasingly becoming a subject of concern only for the loser but not for the winner. (Bishnu P. Adhikari, *Evolution of Election Code of Conduct and Its Violation in the General Election 1999*, a report submitted to Nepal Centre for Contemporary Studies (NCCS): September 1999)

In 1996, as a result of the experience gained in the previous elections, the Election Commission Act of 1991 was amended. The purpose was to enable the Commission to make the Code of Conduct legally binding on all involved in the election process – candidates, parties, government agencies and personnel, and the staff of the Commission. For successive elections between 1996 and 1999 the Code of Conduct, now enforceable through the legal system, was further elaborated to the point at which it now stands, as set out in Appendix E.

However, old habits are hard to break. There were complaints by political parties that their opponents did not respect the code's provisions during the 1999 general election campaign. Observer organizations noted that parties and candidates especially did not respect the campaign spending limits set out in the code. Adhikari (see above) reports widespread violations of the code by all major parties and the government itself both before the announcement of the poll date and during the campaign. The nature of code violations inevitably means that many of the instances reported are anecdotal, and hard evidence is lacking to back up claims of such violations as spending outside the campaign limits set by the Commission after consultation with the parties. The distribution of cash to voters by candidates of major parties was widely reported in the media, and never effectively challenged or refuted. All major parties claimed that their opponents used this tactic to buy votes. The code sets limits on the use of vehicles for political rallies but these were frequently ignored. Rival party supporters tore down the posters of their opponents with the Commission seemingly powerless to police this breach of the code.

Certain instances of violations are on record. Within four days of the start of the 1999 campaign the Election Commissioners met with the then prime minister to draw attention to government violations of the code. These included campaigning under the guise of official activities by himself and other ministers, and by the promotion, transfer and appointment of senior public service personnel. The government-controlled media were exploited by the senior partner in the governing coalition to dominate both the news and other election-related coverage. Government ministers appeared at election rallies and party meetings using government transport. The Election Commission received a total of 842 complaints of violation of the code: the three major parties lodged only 35 of these. The complaints were generally dealt with at the constituency level by a three-person committee comprising the chief district officer, the district police commander, and the officer in charge at the district treasury, who advise the returning officer. Few, if any, complaints seem to have been referred to headquarters for comment or action, with the great majority being settled administratively. The headquarters legal division of the Election Commission has no direct role in issues relating to breaches of the code. Cases where the election law has been broken are dealt with by police investigation and a court hearing in the district where the offence occurred.

Interviews conducted by the IFES consultant with senior representatives of all three major parties (representing more than 94% of the membership of the House of Representatives) confirmed that the parties and candidates ignored the code in important respects during the campaign. A variety of reasons were offered for this ready acceptance of breaches of the code. One view was that the level of spending set for campaigning in any constituency was too low to enable an effective campaign to be mounted. Readiness to breach the code, and the scale of the breach, was seen as both a measure of the candidates' electoral virility and a prerequisite for an effective campaign. Therefore the "official" account submitted to the Election Commission always reflected spending within the code limits, although it was widely recognized by those concerned that these figures were a fiction. This is confirmed by the fact that in no case was expenditure in excess of the permitted amounts reported to the Commission. Even among senior staff of the Election Commission this view is accepted.

The second line of argument employed by the party officials was that the nature of the 1999 campaign, involving heavy expenditure on "treating" and the buying of votes by candidates, was no more than the continuation of long-established custom, and expected by the voters. The culture of "money and muscle" (vote buying, treating, booth capturing, etc.) was seen as so deeply entrenched, the fact a party confirmed its acceptance of the Code of Conduct did not impact upon the behavior of its supporters in the constituencies. In the Terai, on the southern border with India, the effect of that country's political campaigning style was felt on the Nepal side of the border, with parties hiring gangs from Bihar to capture booths and intimidate voters. The point was also made that while senior officials of the parties at headquarters and prominent figures within each party might subscribe to the Code of Conduct, knowledge and understanding of the code at grass-roots level was limited, and sympathy for its intent even more so.

However, all parties made some positive points in relation to the Code of Conduct. There was a general perception that the code had reduced significantly the level of violence and

intimidation. The code was also credited with encouraging greater electoral participation by women, although the link here was not specified. In its detailed control of some aspects of campaigning regarded generally as inappropriate – the indiscriminate painting and fixing of party slogans and posters on religious and historic buildings, control of the size and quantity of posters, the use of vehicles by candidates – the code was regarded as having had a beneficial impact on former practices.

Clearly, the Code of Conduct is an ongoing attempt by the Election Commission to bring the campaign activities of all parties under control and establish the conditions for peaceful elections contested by parties having equal opportunities to present their platforms to the electorate. Equally clearly, this attempt has fallen short of those intentions in a number of important respects, most notably with regard to the issue of campaign finance. In recognition of this, a law was recently introduced into Parliament seeking to regulate political parties. It requires parties to provide full details of all sources of party finance, in return for which there would be a level of government funding made available to support their ongoing activities. Making the control of party finance a matter of law rather than simply a subject for campaign-related regulation should serve to reinforce the attempt to bring campaign spending under control. However, the Election Commission would be wise to look again at the levels of spending set for campaign activities, since all parties were adamant that the current limits were unrealistically low.

Once legal controls are set on party funding, a simplified Code of Conduct may be possible. Such a code would restrict parties to a maximum amount that could be spent in any constituency based on a per capita count of the voting population (a figure readily available from the voter roll). A simplified code would be easier to enforce, and therefore more likely to be enforced, than the present specific prescriptive financial limits for various campaign-related activities and expenses.

The Election Commission presently lacks the means to gather evidence and take action against offenders, and urgently requires the resources to enforce the code directly. If the present constituency-based system were capable of policing breaches effectively, there would be no need for this. However, the number and nature of code violations suggests that the Commission should undertake the task of enforcement. The creation within Commission headquarters of an investigation section reporting directly to the Commissioners, and with powers to call local officials and party activists to account for their actions (or for failures to act) should be considered.

The Commission should also develop a scaled range of punishments that it, not the courts, would impose upon offenders. Such punishments, to be effective, must have a significant impact upon any party or candidate ignoring the code. These must be sufficiently draconian to hurt the offender. Fines clearly do not serve this purpose, becoming simply another campaign expense. The possibility of using punishments developed elsewhere to bring campaign activity under control should be examined. These include the disqualification of candidates and the punishment of party headquarters for the breaches of their agents and supporters in the constituencies. At constituency level, deduction of votes from a candidate

for established violations could be considered. The purpose should be to create a strong deterrent against breaches of a code accepted by the parties and candidates as reasonable in its provisions and not restrictive of their ability to campaign effectively. That deterrent must have its impact in relation to the electoral contest, since retrospective legal action is seen as both remote in time (given the overloading of the judicial system) and ineffective in redressing the advantage achieved by those breaching the code.

The possibility of shortening the campaign period was raised in one discussion with party representatives, but there seems to be no consensus on this. The effect could be simply to concentrate activity in breach of the code into a shorter period rather than reduce it. "Naming and shaming" may be effective for breaches of the code by the governing party through abuse of office or misuse of the media. Public education on the purpose and value of the code and the way in which violations undermine the democratic process should be considered as a means of sensitizing the voters to the damage done to their interests by the abuses committed during campaigns. The Election Commission should review the code with the intent of retaining only those provisions which are considered vital to the process and seek more effective means of enforcement.

The consultant, as part of the scope of the project, helped to organize a discussion program on the Code of Conduct with stakeholders in the electoral process. Participants included politicians, government officials, and representatives of the media and civil society. The workshop program is set out in Appendix F. The following points were among those that emerged from discussion at the workshop:

- The actions of the parties in breaching the Code of Conduct undermine the basis of democracy in Nepal
- The Election Commission should be more aggressive in acting against breaches of the code, especially government activities which breach the code
- The Commission and its appointed returning officers need to take a stronger stand against attempts by political parties to influence the appointment of polling station staff
- The failure of the police to cooperate in enforcing the Code of Conduct and the law relating to elections is unhelpful to the Commission and must be addressed
- Dialogue with the parties should be institutionalized as an ongoing process, with increased contact in pre-election periods

Participants at the workshop were divided into three working groups: (1) civil society and the media, (2) political parties, and (3) the government, including the Election Commission. The goal of the workshop was for participants in the electoral process—the Election Commission, politicians, NGOs, etc.—to draw conclusions on what should be done to reform the code. By reaching their own conclusions and making recommendations, versus receiving recommendations from IFES or other outside organizations, there is a greater chance that participants would move forward in reforming the code. Recommendations from each group are presented in Appendix G, in an unedited and unofficial translation. These

recommendations are meant to provide the basis for review and reform of the code. In addition, IFES offers the following recommendations regarding changes to the code that may be considered during the review process:

Recommendations:

- 1) Simplify the complex series of limits and spending ceilings regarding individual campaign activities (vehicle hire, printing of posters, loudspeaker hire, etc.) to provide for a simple rupees per voter limit on candidates' expenditure. This would have the merit of freeing parties to determine where best to spend their funds during the campaign and eliminate the need for detailed returns on this expenditure. It would leave the Commission to concentrate resources on spot checks of campaign activity to deter breaches (see below), rather than to sift through a mass of information that inevitably proves to be in compliance with the requirements of the code.
- 2) The Commission should establish an enforcement unit in respect of the code during each pre-election period. It would be staffed by experienced election officials with a mandate to visit any constituency, interview any citizen, official or party representative, attend any rally or public meeting, demand and inspect party and candidate records and accounts during the campaign period, and report breaches to the Commissioners with recommendations for action up to and including disqualification of candidates at that election.

IV. OTHER ISSUES AND CHALLENGES

A number of issues are currently in play regarding the democratic process in Nepal that this report has touched on only in passing. They will have an important influence on the way in which the institutions of governance develop. The precise definition of citizenship, and more importantly how citizenship is acquired, is the subject of debate following the recent passage of controversial legislation. Coupled with this is the problem of the porous border with India in the Terai region, and the difficulty this causes in establishing who is legitimately registered as a voter. There will inevitably be further legislative attention given to these matters in due course. The Commission should begin to discuss its position on these issues and seek a dialogue with government when appropriate.

Reform of the institutions of democracy, particularly the underpinnings of representative government, is now an open debate in Nepal, initially begun as a response to criticism of the outcome of the 1999 elections. At issue is the "first past the post" electoral principal, which Nepal currently uses. Proportional representation is now viewed as a possible alternative in some quarters. A high level committee headed by the prime minister is due to receive reports from two sub-committees on these issues shortly. The Election Commission will need to ensure that it is consulted prior to the framing of any draft legislation should proportional representation or another system be pursued, since it will have major implications for the

work of the Commission and for the resources the Commission requires to carry out its functions.

Political party registration and the provision of state funding to registered parties are also live issues, with legislation now before Parliament. This will have an impact not only on the Code of Conduct but also upon relations of the Commission with other organs of government, particularly since the preference seems to be not to use the Commission as the body with responsibility to register parties.

Lastly, this report draws attention to an omission from the present constitutional provisions relating to the Election Commission. Other institutions established by the Constitution of the Kingdom of Nepal in 1990 - the Commission on the Investigation of the Abuse of Authority, the auditor general, the Public Service Commission and the attorney general - are required to submit to the king (to be laid before Parliament) or to His Majesty's government an annual report on their work. This requirement does not extend to the Election Commission. Such a report would be a valuable means of bringing to the attention of Parliament the ongoing work of the Commission, the problems it faces and the improvements it has successfully implemented. Not only would this serve to focus the thinking of parliamentarians and government on these matters, it would also establish that the Commission has a role well beyond simply conducting elections, and is an integral part of the vital organs of governance which underpin the democratic process. Such a mechanism would be of great value as a means of raising both the profile and standing of the Commission, and should form the subject of discussion with government at an appropriate time.

APPENDIXES

List of Meetings

Election Commission

Bishnu Pratap Shah, Chief Election Commissioner
Shambu Prasad Khanal, Secretary to the Election Commission
Giri Raj Gautam, Joint Secretary, Administration
Purusottam P. Sapkota, Joint Secretary, Operations
Matrika Prasad Shrestha, Under Secretary, Computer Division
Shiba Kumar Pokhrel, Computer Division
Bipul Neupane, Under Secretary, Law Division
Chiniya Narayan Shrestha, Under Secretary, Training and Research Division
N. K. Basnet, Training Division

Parliament

Ishwar Pokhrel, MP – Chairman, Sub-Committee on Improvement of Election Management
Surendra Pandey, MP – Member, Sub-Committee on Improvement of Election Law and Regulations

Ministry of Law and Justice

Madhab Paudel, Joint Secretary, Legislative Drafting Division

Nepali Congress Party (NC)

Basant Kumar Gautam, Chief Secretary
Bhikhari Mansoor, Secretary
Surendra Prasad Yadar, Secretary

Rastriya Prajatantra Party (RPP)

Pashupati Samsher J. B. R., MP - General Secretary

Communist Party of Nepal – Unified Marxist-Leninist (CPN-UML)

Pradip Nepal, MP – Standing Committee Member
Sunil Poudyal – Secretary for Foreign Relations

Kalaiya, Bara District

Hiramani Bhamdari, Chief District Officer
Ghanasyam Bhamdari, District Election Officer

Bharatpur, Chitwan District

Deshbandhu Adhikari, District Election Officer

Pokhara, Kaski District

Shyam Sundar Sharma, Chief District Officer
Eak Narayan Sharma, District Election Officer
Ashok Shakya, Enumerator, Pokhara Municipality

Hetauda, Makwanpur District

Durga Prasad Pokharel, Chief District Officer
Prithu Raj Tiwari, District Election Officer

Birganj, Parsa District

Shahdev Rayamajhi, District Election Officer

USAID Nepal

Nancy Langworthy, Team Leader
Bishnu P. Adhikari, DG Advisor

National Democratic Institute

Mark Wallem, Nepal Director

Other

Professor Dr. Birendra Prasad Mishra, former Election Commissioner

Extract from DANIDA Report:

Final Report on Action Research on the Development and Establishment of a Revised Voters Registration Scheme for the Election Commission of Nepal

6.2 Recommendations

Although the forms used in the voters registration process and the monitoring and evaluation system are the integral parts of the voter registration scheme, the following recommendations have been forwarded in each of the three components separately.

6.2.1 Voters Registration Process

The voters registration process should gradually be performed under the full control of the Election Commission

Voters education and awareness campaign should be increased intensively

The updating period should at least be increased from the existing four months to six months or alternatively keep it open throughout the year

- If the registration/updating process is to be continued with the help of VDC Municipality/Ward Secretaries, the present level of incentive needs to be increased. The incentive should also be based on topographic situation and number of households they have to cover in the VDCs and the Municipality Wards
- The training and capability building programme for officials of all levels needs to be organised

If the current multi-agency arrangement is to be continued, they should be supported by adequate logistics. Regular interaction meetings between and among the related agencies are also required for better co-ordination

- The DEOs need to be empowered and activated
- A strong quality check in computer entry is needed
- Voter ID cards should gradually be introduced in all the election constituencies of a single district and also throughout the country

Annex C of the Election Commission's Five Year Development Plan

Alternative Schemes for Identifying Voters

Scheme One Multi-Card Scheme

Rather than the "one-card" scheme now in operation, this would allow voters to produce at the polling station any means of identification, such as a citizenship card, students card, or even driving licence, that contains a photograph of the person, name and date of birth.

Scheme Two Simplified Voters' Identity Card

If it is decided that a uniform voters' identity card should be continued, but the expense of producing the current version proves too great, then a simplified card could be provided. At the time of enumeration, each qualified voter could be issued with a card (perhaps put in a plastic pouch) that contains the information as supplied on the "household form". For security, the card would have a serial number, and be signed not only by the elector but also by the enumerator – and possibly by the political party monitors. For even greater security, certain information entered on the voters' list to be used at the election (such as date of birth or mother's maiden name) could be omitted from the card but sought as a question in the polling station to confirm identity – just as banks check the authenticity of clients.

Appendix D

**Quantity/Cost Guidelines for
Sustainable Voter ID Card System and Integration with Electoral Rolls**

Below are equipment requirements (together with cost estimates) to provide computer hardware, software and associated equipment to enable the Election Commission to put into effect both the short- and long-term measures recommended for voter ID cards and voter registration. These are based upon discussions with staff of the computer division at commission headquarters and reflect the need to integrate existing equipment and systems into the expanded database/storage capacity to be provided.

Headquarters

Computer server units x 2 with pre-installed Unix operating system: 200 Gb storage capacity and 1 Gb RAM, capable of serving 75 remote workstations	\$50,000
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Upgrade of existing DB2 data management system & custom-adapted FoxPro software running existing specific Election Commission applications for voter registration, and development of application software to integrate voter registration and ID card data	20,000
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Zip drive units x 5	500
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Districts x 75

Computers units x 75*	75,000
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Laser printers - for photo printing x 75*	37,500
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Digital cameras x 150	45,000
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Lamination equipment x 150	7,500
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Zip drive units x 75*	7,500
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Training delivery for headquarters and district staff *	20,000
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Total Voter ID Card System and Integration	\$263,000
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* These costs could be staggered over three years as the remaining district election offices are opened. However, to meet the urgent need to update existing voter ID card issues, all digital cameras and lamination equipment should be acquired and deployed immediately.

ELECTION CODE OF CONDUCT, 2053 (1996)

The Election Commission, in exercise of the powers conferred by Section 24A of the Election Commission Act, 2047, has promulgated this Code of Conduct.

In order to render the election free, fair and impartial, it is expedient to make it less expensive, non-pompous, free from undue competition, curb any misuse of power and to conduct it without any interference in the rights and normal life of the people in general. So, for the purpose of achieving this objective, a significant responsibility lies with the political parties, independent candidates, His Majesty's Government, and all governmental and semi-governmental entities, in addition to the Election Commission. Hence, in order to conduct and get conducted the election and its campaign in a healthy and disciplined manner, this Code of Conduct has been framed following discussions with His Majesty's Government and various political parties.

It shall be duty of His Majesty's Government, officials of all governmental and semi-governmental entities, political parties, the candidates of the political parties, independent candidates, to abide by this Code of Conduct.

This Code of Conduct shall come into force upon announcement of the polling date.

Conduct of the Political Parties and Their Candidates

While conducting the election campaign, the political parties, candidates of the political parties and the independent candidates shall observe and require others to observe the following conducts.

No publicity shall be made or allow others to do so which would adversely affect the nationality, independence, indivisibility and sovereignty of Nepal, and which would be contrary to multiparty-democracy, parliamentary system, and the constitutional monarchy.

No publicity shall be made which would generate hatred, jealousy, contempt and hostility amongst different religion, sect, caste, creed, and community. Similarly, the voters shall not be induced to cast their votes on the basis of religion, cast, creed and language.

No publicity shall be made or allow others to do so, which would cause character assassination of the candidate and his family members.

No political party and its candidate shall encroach upon other's democratic rights, and the language to be used in the publicity campaign shall not be immodest and impolite.

No political party and its candidate shall take out procession, shout slogans or conduct publicity campaign of any nature commencing from 48 hours prior to the polling date till the completion of polling.

No poster, pamphlet or handbills of publicity shall be pasted or allow others to do so and no enamel and other colour paints shall be used to inscribe or be inscribed in any religious, archaeological, historical edifices and monuments.

No poster, pamphlet or handbills of publicity shall be pasted or allow others to do so and no enamel and other colour paints shall be used to inscribe or be inscribed in any private residence, shop, wall or any other similar places without obtaining written permission of the owner. The Commission may, if it deems necessary, ask to show such permission. No political party or any candidate shall remove or tear off or deface by any other means the posters or handbills or election symbols, nor superimpose over other political party's or candidate's posters, nor shall it require others to do so. The concerned political party or the candidate shall clean up such posters, handbills and election symbols after the election.

Nobody shall destroy or obliterate, smear or alter by any means the notices or election publicity materials distributed by the Election Commission.

No banner made of red cloth or any other kind of cloth shall be used for publicity campaign nor shall require others to do so.

For publicity purposes, pamphlets of 6"x10" size printed in paper of 60 grams in maximum and posters of 18"x 22" size only can be used. Such poster and pamphlets should be printed only in a single colour and the name and address of the printer shall be printed mandatorily on such posters and pamphlets.

A candidate shall not be allowed to use in one constituency more than three vehicles, in the type of bus, truck, car and tractor. Similarly, a candidate cannot use more than three loudspeakers in one constituency.

While using any loud speaker, radio, cassette and other similar kind of sound amplifier, these instruments shall not be used in a manner to hinder others or create disturbance in public peace and order. Even within permitted range, it shall not be used at other time except from 7 a.m. to 9 p.m. While using such sound amplifier, it shall not be used continuously at a single place, other than at a general public meeting.

No general public meeting, people's meeting or corner meetings and procession shall be conducted at any other time except between 7 a.m. and 9 p.m. No torch procession or any procession equipped with arms and ammunitions shall be allowed.

While organising any procession, rally or general public meeting, the local administration shall be duly notified or contacted.

It being the duty of all to render necessary assistance to and maintain co-operation with employees on election duty and security officers to enable them to observe their duty, nobody shall deflect them from performing their duty under any kind of fear or threat or under any duress or coercion or use of force or through any temptation.

Nobody shall compel the voters to cast their votes against their will by using fear, threat or temptation or coercion or requiring to take oath.

Nothing shall be pasted or written or require others to paste or write at any place prescribed as a Polling Centre and around its periphery. If any object of publicity is found therein, the concerned candidate shall cause it to be removed before the polling is held.

No hindrance of any kind shall be placed or any detention shall be made in order to deprive the voters from the act of voting.

No candidate, or his representative, or his worker or any other person shall, with the use of force, fear, threat, coercion or temptation, capture the polling centre or polling sub-centre, nor shall forcefully capture, snatch, destroy the ballot box or ballot paper or polling materials.

While filing the nomination papers, no political party or candidate shall enter with the procession within the area specified by the Election Officer.

No rally of truck, tractor, bus, rickshaw, motor, car and motorcycle, other than cycle, shall be used.

The voters shall not be transported in bus, truck, jeep or any other means of transportation on the day of polling.

The candidate shall not use or make others to use more than one vehicle on the day of polling.

No political party or candidate shall arrange or require others to arrange any feast with intention to influence the voters.

The task of polling and counting of votes shall be allowed to be performed without any hindrance at all places and it shall be the duty of all concerned to create appropriate environment conducive for the same.

Each political party or the candidate shall provide adequate knowledge of this Election Code of Conduct to its cadres and supporters and shall require them to abide by it. The concerned candidate shall be responsible for its implementation.

Every candidate shall, in course of election activities, completely abide by the provisions of Acts, Rules, Orders and Directives relating to election, including Election (Offences And Punishment) Act, 2047, during the election.

Election Expenditure

While conducting the election campaign, the political parties, candidates of the political parties and the independent candidates shall observe and require others to observe the following conducts.

The expenditure in respect of election activities should be limited within the ceiling prescribed by Commission. For this purpose, the particulars of expenditure should be maintained in its entirety in the form determined by the Commission as provided in Appendix (A). Such particulars covering a period of every 15 (fifteen) days should be submitted to the designated officer within three days of the expiry of such period.

In view of the number of voters, remoteness of geographical areas, the availability of means and resources etc., various districts of the Kingdom have been divided into four categories, as mentioned in Appendix (B), for the purpose of prescribing the ceiling of expenditure for election.

The detailed expenditure in respect of the means of transport used during the election campaign and on other items of expenditure shall be maintained according to the rate fixed by the Commission, as shown in Appendix (C).

Every candidate shall incur election expenditure either by himself or through his representative only. The Commission may require to conduct an inspection or scrutiny of the details of such account through a designated institution, agency or person.

The candidate shall, while submitting the account of election expenditure, also include the amount expended for him by his political party or by any other source. Such amount shall be accounted within the maximum ceiling for election expenditure.

The political parties shall maintain the particulars of expenses incurred on behalf of their candidates and shall submit such details to the Commission.

If, contrary to this Code of Conduct, any banner is hung or any inscribing is made on the walls by enamel or any other colour, or any hand-bills or pamphlets are pasted therein, the Election Officer may order the concerned person to erase or remove them. If the concerned person does not erase or remove them, the local administration shall have them erased or removed on its own and the expenses so incurred shall be required to be paid to the authority designated by the Commission. Such expenditure shall be added to his election expenditure.

Conduct of His Majesty's Government: Public Media

The public media (audio, video and printing) under His Majesty's Government shall, while operating their programmes, conduct in the following manner:

It shall operate the program with full impartiality and temperance without prejudice of any kind towards any political party or candidate. While assigning opportunity to the political parties who have raised their candidates, in order to present policy, programs and views of their party to the voters, they shall do so on the basis of a clear and judicious criterion.

They shall disseminate as much as possible such audio, video and written materials which would encourage the voters to cast their votes without any apprehension.

They shall not disseminate such material which may arouse the voters with the bias of religion, sect, region, caste, creed or language, nor which may generate in the peoples' mind acts of violence, sensation, terrorism, hostility and confusion.

While reporting, editing or captioning any news, or publishing any picture or cartoon, or while publicising through editorial, comment, report, description, discussion, analysis, feature articles, question-answers, and other similar audio, video or written materials, they shall not act in a manner which may incite the voters to vote in favour of any political party or candidate

The concerned entity shall preserve the recorded cassettes or the copy of materials as mentioned in paragraph 4 above and shall provide the Commission, when demanded, with such cassettes or copies of materials.

Other Governmental Policy, Programmes and Services

Any activities relating to the laying down of foundation-stone or inauguration, or approval, commencement, survey of any new plan or programme, initiation of any study or releasing any grant therefor, and similar other measures shall be avoided.

His Majesty's Government or any authorised official shall not use or require the use of employees of His Majesty's Government or of the government owned corporation, institution or committee on the publicity activities in favour of any political party or candidate, nor shall they be engaged in any activity which may affect the outcome of the election.

No vehicle, other facilities or property of His Majesty's Government, or corporation, institution or committee under the ownership of His Majesty's Government and other autonomous body shall be used on the activities of any political party or candidate.

No building, guest-house, open-ground, play-ground, meeting hall or other similar means and facilities of His Majesty's Government, or of corporation, institution or committee owned by His Majesty's Government or of other autonomous body, shall be allowed to be used by any

political party or candidate or by any other person engaged in the publicity activities of any political party or candidate.

The Minister or advisors of His Majesty's Government shall not use, nor allow to be used, their vehicles, other utilities, facilities and resources on publicity activities of any political party or candidate.

Provided that, considering the official responsibility and security of the Prime Minister, such restrictions shall not be applicable in respect of the use of his governmental vehicle during his visits.

Excepting where any employee is required for the purpose of conducting election, no employee shall be recruited or transferred or otherwise deputed in any vacant position, without prior permission of the Commission, after the announcement of the polling date. Similarly, no new position may be created, nor any increment in salary or allowance or grade, or any reward or other similar privileges or facilities may be conferred.

All sale, distribution and consumption of alcoholic drinks shall be prohibited during three days prior to the commencement and three days after termination of polling.

Miscellaneous

The Commission may conduct or require to be conducted investigation and follow-up, as deemed necessary, in order to ensure whether this Code of Conduct has been followed or not.

If it is observed, known or heard that the Code of Conduct has been violated, the concerned Election Officer shall immediately take necessary action for its prevention. For this purpose, necessary co-operation of the local administration and local police may be procured and it shall be the duty of the local administration and police to render such assistance.

If any violation of the Code of Conduct is observed or detected, the local administration or police themselves shall immediately take necessary action to prevent its commission and the Election Officer shall be informed thereof. If the concerned person refuses to cease such act, the administration or the police shall take necessary action according to the existing laws and inform the Election Officer.

The Election Officer shall immediately despatch all information obtained according to paragraph 3, to the Election Commission.

In the context of by-election, this Code of Conduct shall be applicable only within the constituency where the by-election is being held.

Election Commission of Nepal Workshop on the Election Code of Conduct

24/25 August 2000, Radisson Hotel, Lazimpat, Kathmandu

Workshop theme: Implementation of the Election Code of Conduct – Problems and Issues

Program

Day One

08.30-09.00	Registration
09.00-09.10	Opening Remarks – Rt. Hon. B. P. Shah, Chief Election Commissioner
09.10-09.20	Workshop purpose and methodology – V. A. Butler, IFES
09.20-09.50	Keynote Speaker – Prof. B. P. Mishra, former Election Commissioner
10.00-11.00	Plenary discussion and response

Day Two

09.00-10.0	Participants divide into three working groups
	1) Election Code of Conduct: Role of Civic Society and Media
	2) Election Code of Conduct: Role of Political Parties
	3) Election Code of Conduct: Role of Government, Election Commission and Administration
10.00-12.00	Report back by groups and discussion
12.00-12.30	Comments by Keynote Speaker
12.30-13.00	Closing Remarks – Chief Election Commissioner

Seminar Participants

Political parties – elected representatives and party officials	11
Election commissioners	4
Election Commission secretariat	4
Government officials	3
Civic society monitoring groups and opinion formers	14
Media - radio, TV & print editors	6
Donors/NGOs	3

Appendix G

Recommendations from the Workshop on the Election Code of Conduct

(Unedited and Unofficial Translation)

Work-shop on Executing Election Code of Conduct ***(Problems & Issues)***

Report of Group A

Unofficial Translation

Sub : 'Subject to be reviewed and modified in the existing Election Code of Conduct'

1. Legal framework is to be enacted in case of violation of existing Election Code of Conduct and stress is to be laid on its execution.
2. Coordination amongst political parties, candidates and government authorities who are obliged to execute election code of conduct is vital.
3. To arouse awareness amongst civic societies by means of mass campaign on Election Code of Conduct.
4. To form a highly authorized follow-up groups by EC and make an effective follow-up program.
5. Commitment to be made by the duty bound personnel from political parties, candidates and government agencies & employees.
6. To propose election boycott type of enactment rather than financial penalty in case of violation of election code of conduct.
7. Inclusion of the election expenditure incurred by sister organizations of the political parties in the expenses of the candidates and political parties.
8. Expenditure limit be changed in accordance with practicality.
9. Duties of the voters (citizens) and members of the civic societies should be clearly defined.
10. Projects on strengthening Election Commission and other related agencies should be launched.
11. Regular supervision practices on the electoral processes of local levels: Village, Ward, Village Development Committee in order to conduct free, fair and impartial election.
12. Project for the preparation of free, fair and impartial election to be launched in the areas of regular violence and crime (on the experimental basis of sample & test area) or the approval to be made for such program.
13. It is essential to form a standard measuring scale for assessment of free, fair and impartial election conducted and to run a project for its management.

14. To prepare strategies and programs for the execution of Election Code of Conduct.
15. To publish a separate report of the culprits (individuals and groups) indulged in election malpractice.
16. The party government should not be allowed to conduct general election because of their negative attitude to win the election by whatsoever means & undue influence to the administrative cadre.
17. A government comprising of free and elites who do not participate in the election is to be formed to conduct general election. It should declare the date of election. It should penalize the wrongdoers (violating election code of conduct) on the spot through special court-on election and prohibit them in participating on election programs.
18. Existing condition such as 'political parties not securing 3% votes in general election which are not allowed to use their party symbols in local elections' is to be immediately amended and they be allowed to use their own party symbols.
19. A clear and strong Election Code of Conduct extracting ambiguous words after a thorough study of Local and National Election Acts and the Constitution, is to be prepared.
20. Election Court, while deciding electoral cases should have verdict from the reports of national and international observers on the spot election observation report along with the complaints of the on-the-spot voters and of other generations.
21. All candidates should compulsorily present the total election materials as prescribed by Election Commission in Special Court. Any materials other than prescribed if used should be considered illegal.
22. Ballot papers without having the signature of the polling officers or the duplicate/wrong ballot papers have been found used in the previous elections. Such type of gross negligence or crime, should be considered as serious crime and provision should be made that the culprits be confined to jail.
23. The practice of going in-crowd while registering the names of the candidates except the persons proposing and seconding the names should be strictly prohibited. In case of disobedience in such practice, the name of the candidates should be withdrawn from the candidacy.

Report of Group B

Sub: Recommendation on 'The development of implementing mechanism in the execution and follow-up of 'election code of conduct'

Since 1940, local and national levels are being conducted in the country after the restoration of multi-party democracy. It is essential to conduct free and impartial elections in strengthening democracy.

Keeping in view the needs of various electoral laws after the bye-election of 1994. Election Commission has been rigorously indulged in bringing out execution of election code of conduct and hence, has played a dynamic role in this regard. Election code of conduct has a big say in making election fair and impartial. But, however, even after the execution of election code of conduct, there are tremendous rooms for improvement in making election code of conduct program effective. In one hand, election code of conduct should be effectively used and in other hand, effective mechanism should be built up for extensive follow-up program on the execution of election code of conduct. Higher chances of violating election code of conduct prevail lacking such effective follow-up mechanism.

In order to develop effective follow-up program and sound mechanism for such work, following actors and agencies are to be considered.

1. First and foremost role on the execution and follow-up program for the election code of conduct is that of Election Commission.
2. Since political parties are the main ingredients for a successful working of democracy and democracy itself survives on free, fair and impartial election, the political parties also are the main actors on the execution and follow-up activities of the election code of conduct.
3. Agencies such as non-governmental and voluntary but committed groups, associations and institutions are also main actors in executing, stream lining and following-up programs on election code of conduct in order to make effective & disciplined society in an established democratic set-up,

Hence, various observing groups, independent elites, responsible government employees and media persons, international communities and other concerned individuals as well as institutions can play a good role on the execution and follow-up activities on election code of conduct.

Report of Group C

Sub: Role of political parties, civic societies and mass media in maintaining Election Code of Conduct.

It is possible for the effective implementation of election code of conduct: only after the firm determination and commitment made by the political parties as vigilant watchdogs thereby following code of conduct by themselves.

(a) Role of political parties

1. All political parties especially the political party in government should be responsible for the execution of election code of conduct.
2. All political leaders and workers must be self-disciplined to practice in accordance with the prescribed election code of conduct. Their values should be moral-based.
3. Pre-election training on maintaining election code of conduct should be conducted to all political workers who will be involved in elections.
4. If political party-in-government is sensitive on the issue, the whole government mechanism would be self-controlled. Administration & security (police) must be neutral in multi-party democracy.
5. Political parties should contest in election from their own valid resources and public support. Foreign resource and support if any, should be utilized without violating code of conduct.
6. All parties support on the execution of national election code of conduct starting from the local booths up to center should be maintained. However, balance and check should go side by side amongst political parties. Competitive spirit on using unfair means should be deleted. Problems should be tackled effectively in presence of media persons and civic society members. Political parties with official commitment should form a group comprising all political parties including civic societies from booth level to center level in order to bridge up the gap between commitment and execution.

(b) Role of Civic Societies :

1. A campaign on voter's education, role of voters in free election up to the Grass Root level (of the people) should be launched by civic societies and human right association.
2. Civic societies should play an influential role to make the people understand that the parties and candidates violating code of conduct might have adverse effect on their votes to be gained. In such cases, public criticism should be severe.
3. Local civic society members should be vigilant and play the role of watchdog in order to check and discourage unfair means of bribing voters in pre-election days. Bribes in terms of cash and kind must be confiscated and forwarded to the concerned agencies.

4. Civic society should support for the provision of separate accommodation, place and fooding for the groups conducting elections. However, they should not come under the influence of the candidates.
5. Special awareness to be made by political parties, civic societies and media persons to get rid of influences from anti-nationality, communalism and anti religious propaganda.

(C) Role of mass-media

1. Government media to be excluded from the election observation team and to be banned on preconceived campaign along with their monitoring to be managed properly but the parties manifestoes be given priority for mass-media communication in turn.
2. To monitor the activities of private media's on their publication trying to assassinate the political character of the political workers and baseless information regarding election campaign along with instruction to publish and communicate pre accepted publication materials effectively along with its effective monitoring.
3. Last hour misleading communication regarding party candidates should be checked by press media voluntarily.
4. Mass media be used as a watchdog to pin point the violators of election code of conduct.
5. To critically monitor the role played by mass media on the execution of election code of conduct and assess it publicly.

Summary of Key Recommendations

District Election Offices

Recommendation	Action/Resources to Implement	Expected/Desirable Outcome
1) Election Commission should revisit, review and re-launch the program for opening of district election offices	<ul style="list-style-type: none"> • Availability of DANIDA and IFES reports • Commission meetings and policy decisions • Funds for district visits by commissioners and senior staff 	<ul style="list-style-type: none"> • Functioning district election offices with clear duties and reporting lines to headquarters staff • Capability to decentralize voter registration and voter ID issuance
2) Current laws to be carefully considered and necessary changes made so as to enable Election Commission to transfer responsibilities for electoral rolls, voter identity cards and conduct of elections to district election officers/offices	<ul style="list-style-type: none"> • Law review and drafting of appropriate amendments and regulations 	<ul style="list-style-type: none"> • Clear-cut legal basis for DEOs to take over electoral duties when/where district election offices are opened
3) Proper arrangements to be put in place defining role of district election officer and staff - job descriptions, effective operating procedures, clear-cut responsibilities and lines of communication	<ul style="list-style-type: none"> • Funds for district visits by senior headquarters staff to support switch of responsibilities from CDOs 	<ul style="list-style-type: none"> • Acceptance of this change in responsibilities by CDOs
4) Action to be taken to establish staff of Election Commission on the same footing as those of the auditor general with regard to the generality of public service staff	<ul style="list-style-type: none"> • Drafting of amendments to legislation and Public Service Regulations • Campaign to gain Parliamentary support for changed status of EC staff 	<ul style="list-style-type: none"> • Separate career path for Election Commission staff • Improved ability to offer incentives to recruit/retain quality staff • Proper control over staff development • Ability to remove non-performing staff
5) Recommendations 1-4 to be implemented within context of Five Year Development Plan	<ul style="list-style-type: none"> • Review/revision of Development Plan 	<ul style="list-style-type: none"> • Incorporation of concepts of strong district election offices and EC career service into Five Year Development Plan of the Election Commission

Summary of Key Recommendations (continued)

Voter Registration

Recommendation	Action/Resources to Implement	Expected/Desirable Outcome
1) Recommendations of DANIDA's <i>Final Report on Action Research on the Development and Establishment of a Revised Voters Registration Scheme for the Election Commission of Nepal</i> to guide improvement of existing voter registration process	<ul style="list-style-type: none">• Commission meetings to review report and reach decisions on implementation• Drafting of changes to regulations as appropriate	<ul style="list-style-type: none">• Decisions on future development of VR system in Nepal
2) Action to implement DANIDA recommendations to be initiated without delay so as to have the proposed changes in place for the voter roll update in 2001	<ul style="list-style-type: none">• Development and implementation of plan of action by headquarters staff	<ul style="list-style-type: none">• Improved system of voter registration with greater confidence of public and parties in integrity of VR process• Movement towards integration of voter registration and voter ID processes

Summary of Key Recommendations (continued)

Voter ID Cards

Recommendation	Action/Resources to Implement	Expected/Desirable Outcome
1) Election Commission to recognize serious nature/urgency of problem faced in seeking to update voter ID Card issuance in constituencies where ID cards have already been issued, and gravity of consequences if problem is not addressed	<ul style="list-style-type: none"> Commission meetings to consider problem of constituencies where voter IDs already issued Consider IFES-proposed solution, and reach decisions on action 	<ul style="list-style-type: none"> Plan of action agreed by Election Commission to deal with short-term voter ID problem
2) Specification to be developed and funding sought providing EC with sufficient digital cameras, computer software, printers and lamination equipment to enable effective update of voter ID card exercise in 105 constituencies	<ul style="list-style-type: none"> Technical expertise to finalize equipment and materials specification Funds to support purchase of necessary equipment and materials 	<ul style="list-style-type: none"> Acquisition of equipment, materials and funding required to act on short-term voter ID problem
3) Program of action to ensure that these constituencies are covered during first six months of 2001 to be developed and implemented by a small taskforce of the Election Commission	<ul style="list-style-type: none"> Development and implementation of plan of action by headquarters staff Funds for deployment of equipment, materials and staff resources required 	<ul style="list-style-type: none"> Resolution of short-term voter ID problem
4) Election Commission to abandon "arms length" approach to issue of voter ID cards - all further contracts for preparation of cards made direct with Commission, and adequate management capacity put in place to ensure proper and consistent standard of performance in each constituency.	<ul style="list-style-type: none"> Development of standard tender for voter ID contractors Funds for constituency-based management of voter ID contracts 	<ul style="list-style-type: none"> Voter ID card issue system under control of Election Commission Proper supervision of voter ID process in the constituencies

Summary of Key Recommendations *(continued)*

Voter ID Cards

Recommendation	Action/Resources to Implement	Expected/Desirable Outcome
5) Rolling program of update work should be developed, to follow program of establishment of new district election offices.	<ul style="list-style-type: none"> • Development of update program by headquarters and district staff • Funds for implementation of program 	<ul style="list-style-type: none"> • Sustainable voter ID system
6) Commission to work towards the integration of voter registration and voter ID card issue into a single seamless process, acquiring computer storage capacity sufficient to enable digital images and electoral roll information to be integrated and stored in a single database	<ul style="list-style-type: none"> • Commission meetings and initial policy decision • Funds to support purchase of necessary equipment and materials 	<ul style="list-style-type: none"> • First step to more accurate, less costly VR process
7) Taskforce referred to in #3 above to consider the legal and management issues requiring action to bring longer-term changes to fruition, provide an action-plan to achieve full integration by not later than anticipated date of next House of Representatives election in May 2004.	<ul style="list-style-type: none"> • Development of plan of action by headquarters staff • Commission meetings and policy decisions • Drafting of necessary changes to legislation • Campaign to gain Parliamentary support for change to VR system 	<ul style="list-style-type: none"> • Further improved system of voter registration with greater confidence of public and parties in integrity of voter registration process • More accurate, less costly voter registration process in place • Voter registration system under control of Election Commission

Summary of Key Recommendations *(continued)*

Code of Conduct

Recommendation	Action/Resources to Implement	Expected/Desirable Outcome
1) Simplification of present complex series of limits and spending ceilings in respect of individual campaign activities to provide for a simple rupees per voter limit on candidates' expenditure	<ul style="list-style-type: none">• Commission meetings to review its Code of Conduct workshop report and reach decisions on changes to code• Drafting of revised code and any necessary changes to legislation• Campaign to gain parliamentary support for changes to legislation	<ul style="list-style-type: none">• Development of Code of Conduct capable of effective enforcement
2) Commission to establish enforcement unit in respect of the code, staffed by experienced election officials	<ul style="list-style-type: none">• Commission meetings and policy decisions• Funds to establish enforcement unit	<ul style="list-style-type: none">• Enforcement of Code of Conduct

IFES

As one of the world's premier democracy and governance assistance organizations, IFES provides needs-based, targeted, technical assistance designed and implemented through effective partnerships with donors and beneficiaries. Founded in 1987 as a nonpartisan, nonprofit organization, IFES has provided integrated, collaborative solutions in the areas of democratic institution building and participatory governance in more than 120 countries worldwide. IFES' Washington headquarters houses eighty-five employees specializing regionally in Africa, the Americas, Asia, the Middle East, and Europe, as well as functionally in rule of law, civil society, good governance, election administration, applied research, gender issues, public information technology solutions, and more. IFES' staff offers vast country-specific experience and facility in more than 30 languages. IFES employs an additional 120 people in twenty-five field locations.



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