

Electoral Security and its Challenges



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1 Introduction

In contemporary democracies, periodic elections are sovereign democratic practice of the people to elect people's representatives, an important process that strengthens democratic institutions and facilitates peaceful transition of power.¹ Scholars have argued that elections increase political polarization and potentially increase human rights abuses in countries without a well-developed respect for the rule of law, and that even politicians in democracies can have strong incentives to use violent electoral tactics.² Electoral processes are taken as a vehicle, through which political power is retained or pursued, and social differences are highlighted by candidates and parties in campaigns for popular support, they tap deep vulnerabilities for violent interactions. As election nears, candidates mobilize extremist elements to win election; rival factions vie for votes and to secure turf, parties or factions seek to weaken or even eliminate opponents and various electoral security challenges emerge. All of which if not managed properly, could culminate towards electoral violence.

There is a need to instigate debate on electoral security in Nepal to bring attention of the government to hold a free and fair election. Nepal's successive elections have encountered various forms of electoral violence. From 1959, which saw the country's first parliamentary election to the 2008 Constituent Assembly

(CA) election, violence has been used as a tool in the elections. Electoral security is required for peaceful, free and fair election in any nation. This policy paper underscores that need and provides a policy level guidance for the government, the Election Commission (EC) and security agencies to minimize the electoral violence for the upcoming election. The paper is divided into five sections. The first section sums up the history of electoral violence in Nepal, second identifies the range of electoral security challenges while the third section underscores the rationale for developing an integrated electoral security plan and fourth discusses the appropriate roles and responsibilities of the government, the EC and the security agencies. Finally in the fifth section, some key recommendations are provided.

2 Some Definitions of Electoral Violence

Electoral violence according to the International Foundation for Electoral System (IFES) is any act or threat of physical or psychological harm to a person or damage to property, directed at anyone directly involved in an electoral process (voters, candidates, party officers, election workers, election monitors, journalists, etc.) which may disrupt or attempt to disrupt any aspect of the electoral process.³ Electoral violence could therefore be described as a pre-meditated act that intends to influence the electoral process using foul language, verbal intimidation, blackmail, dangerous

- 1 Ugiagbe, T. B. (2010). Electoral violence in Nigeria. Implications for security, peace and development. www.monitor.upeace.org.
- 2 Collier P., and Vicente P. C., (2012). 'Violence, Bribery and Fraud: The Political Economy of Elections in Sub-Saharan Africa.' *Public Choice*, Vol. no. 153.
- 3 Fischer, Jeff. (2002). 'Electoral Conflict and Violence--A Strategy for study and Prevention', Proceeding of the IFES White Paper Conference, Washington, DC.



weapons, arson and assassination.⁴ At the receiving end of political violence are human beings, place or thing or data. Ugiagbe submits that acts associated with electoral violence include physical harm, (homicide, torture, assault), threats (physical, verbal, intimidation; destruction of property), arson, damage from dangerous objects, forced displacement and ballot box snatching.⁵ Electoral violence also impacts negatively on human development; destroys social relationships, scares away investors and retards all ramifications of development in the country.⁶ The objective of electoral violence is to influence the electoral process with the sole aim to win the election or power through violence or subverting the ends of the electoral and democratic process through intimidation and disempowerment of political opponents. To sum up, electoral violence affects the credibility of the democratic system, erodes the credibility of the rule of law and threatens the continued existence of nation state.

Electoral security can be defined as the process of protecting electoral stakeholders such as voters, candidates, poll workers, media, and observers; electoral information such as vote results, registration data, and campaign material; electoral facilities such as polling stations and counting centers; and electoral events such as campaign rallies against death, damage, or disruption.⁷ The participants in

election security are election commissioners, security forces, political parties, media, civil society organizations, and judicial officials.

3 History of Electoral Violence in Nepal

Nepal does not have a long electoral history. Its first election was held in 1959, and after this only four other national elections were held up until the April 2008 CA elections. The National Assembly elected in 1959 served till 1960 as King Mahendra dismissed the government and promulgated a new constitution, which established an authoritarian Panchayat system under the direct leadership of the King. The periodic elections were held under the Panchayat system with sporadic electoral violence but the elections held during this period were not recognised as a real electoral process. The parliamentary election was held in 1991, following the establishment of democracy in 1990.⁸ The May 1991 election was monitored by six domestic observation groups which reported ten deaths, in addition to injuries and property damages. Electoral violence occurred in 23 of 75 districts that resulted in re-polling. Twenty-nine cases were brought to the Special Election Court; 19 argued for the cancellation of elections in particular polling centres while ten alleged election malpractices.⁹ The election of 1994 showed increasing electoral violence, with violations of the Code of Conduct by the

4 Bamfo, N. (2008). 'Electoral Violence in Africa. A Continent's soft Political Underbelly', Proceeding of the Georgia Political Science Association Conference, Valdosta State University.

5 Ugiagbe, T.B. (2010). 'Electoral violence in Nigeria. Implications for security, peace and development'.

6 Muhammed, A.Y. (2010). 'Youth Violence in Nigeria's Fourth Republic: Implication for Human Development in the 21st Century,' Department of Sociology, University of Ilorin, Nigeria

7 Fischer, J. op. cit.

8 Slavu, Catinca. (2012). 'The 2008 Constituent Assembly Election: Social Inclusion for Peace', in *Nepal in Transition: From People's War to Fragile Peace* ed. David M. Malone Sebastian von Einsiedel, and Suman Pradhan, New York: Cambridge University Press, pp. 233.

9 International Foundation for Electoral Systems, 'Kingdom of Nepal: Parliamentary Elections'. Washington DC. May 1991.



political parties, intimidation of voters, voters barred from polling centres, booth capturing, and unauthorized entry to the polling centres by party workers.¹⁰ The election of 1999 also reported significant electoral violence. The number of reported cases is likely to be much lesser than the actual occurrences. No organizations involved reported electoral violence; they lacked a standardized methodology and many incidents took place away from polling centres, and out of view of election observers.¹¹ It illustrates, 'political parties have not hesitated to deploy unfair means, even violence, to retain their ambitions in electoral competition making it a struggle for the seizure of state power rather than a fair means to ascertain popular consent for governance.'¹² It shows that the political parties in Nepal have implied various violent tactics in order to win elections. Kumar argues various attempts by political parties to capture polling booths and stuff them with votes, their use of proxy voters, attempts at bribery and the use of gangsters to intimidate the population into voting for a particular party.¹³ Kumar underlines a deep disillusionment and frustration with the practice of multi-party competition in Nepal. As democratic elections are the only practice that defines democracy, elections held in the post-1990 period can be read as a study of the malaise that has affected the entirety of Nepali

politics over the past two decades.

In the lead up to the 2008 CA election in Nepal, the Carter Center reported that: 'the Young Communist League (YCL) was implicated in extortion, intimidation and violent activities.'¹⁴ Various human rights organizations described the YCL as a 'vigilante-style group that is regularly accused of beatings, kidnappings, extortions and even murder.'¹⁵ The Human Rights Watch reported that the YCL had 'attacked political opponents, journalists, alleged drug users, and individuals suspected of extramarital relations.'¹⁶ While monitoring the election Code of Conduct in all the 75 districts, the National Election Observation Committee reported that political parties used brandished weapons, killings, kidnappings death threats and so forth as tools during the 2008 CA election.¹⁷

Democracy and Election Alliance Nepal (DEAN), another election observation committee, comprehensively reported on the electoral violence. It reported '485 incidents of political and electoral violence, which resulted in 50 deaths, 1,286 injuries and 116 kidnappings.'¹⁸ The report highlights that violence escalated as Election Day approached, with 145 incidents in the two preceding weeks. In the Tarai region, reported political violence in the pre-election period ranged as '79 incidents

10 Baral, Lok. R. (1995). 'The 1994 Nepal Elections: Emerging Trends in Party Politics.' Asian Survey 35, no. 5

11 Kumar, Dhurba. (2010). Electoral Violence and Volatility in Nepal. Kathmandu: Vajra Publications.

12 Ibid.

13 Ibid.

14 The Carter Center 2011, 'Political party youth wings in Nepal.' The Carter Center website. 28 February

15 Human Rights Watch, World Report 2009 – Nepal. 14 January 2009. pp. 275-276.

16 Ibid. p. 276.

17 National Election Observation Committee (NEOC), (2008). Observation Comprehensive Report, Constituent Assembly Election 2008, pp 42-65.

18 Democracy and Election Alliance Nepal (DEAN) Final Report. (2008). 'Political/Election Violence Education and Resolution (P/EVER) Project'.



of political violence (72 in the pre-election period, and seven following the elections) and 406 incidents of election violence (259 in the pre-election period, 122 on the Election Day, and 25 incidents following the Election Day).¹⁹ Political violence was concentrated in the Tarai, but election-related violence was spread throughout Nepal. It reports that ‘62% of all perpetrators of electoral violence were political groups (party cadres, groups affiliated with political parties and leaders/candidates).’ Similarly, the cadres/candidates of political parties were themselves the victim which was reported around 51%.²⁰ On the Election Day, the most common category of victims were ‘election property, officials, or the election process itself, at 36% of all victims (32% for election ballot, material or process, and 4% for election official)’. In the post-election period, ‘political parties have once again been the major (63%) victims of electoral and political violence.’²¹ Physical harm and torture were the main types of violence reported – ‘31% of all types of incidents’. ‘Non-physical harm (intimidation or psychological abuse, verbal harassment and threats of physical harm) were the second-most common type (25% of all types)’. Methods of violence varied significantly between political and electoral violence. In regard to political violence, the main methods were ‘bomb/explosives (26% of all methods) and guns/firearms (20%)’. For election violence, the most common methods used were fists or other physical means (36%) and stones/throwing objects (21%)’.²²

The political and electoral violence in 2008 CA election was serious in terms of its reach

across the country, the number of casualties it caused, and intimidation it spread among the people and voters of Nepal. Nonetheless, Nepal’s 2008 election when seen within the context of the wider peace process has helped transform the contestation of power from a violent conflict to a peaceful political process. The process was highly challenging, and it was a remarkable success that the elections took place at all under the immense administrative challenges of organizing them during a period of such turbulent political transition. A number of factors underpin this success but all the national and international observers agreed that elections were seen widely as ‘an opportunity to consolidate the Nepal’s peace process and open the door for a new political settlement’.²³ The Unified Communist Party of Nepal [UCPN (Maoist)] won 36.6% of seats out of 601. Overall, the CA election outcome was a far more representative and inclusive than the past parliaments, owing to a big increase in the representation of women, ethnic, *Dalit* and other minorities. It changed the balance of power in Nepal and opened a political space to such marginalized groups. But the very representative CA failed to deliver a new constitution. There was a heated debate regarding the model of federal structure to be adopted, which many argue ultimately led to the dissolution of the CA without fulfilling its mandate. Following the expiry of the CA in May 2012, the institutionalization of the federal democratic republic status is now clouded with uncertainty. The upcoming CA election will determine the fate of institutionalization of federal and also democratic agenda of the country.

19 Ibid.

20 Ibid.

21 Ibid.

22 Ibid.

23 Slavu, Catinca. op. cit. 247-53.



4 Security Challenges for the Upcoming Election

4.1 Threat of Election Boycott and Disruption

There is a range of political parties who are threatening to disrupt the upcoming CA election. The Community Party of Nepal-Maoist (CPN-Maoist) has been identified as one of the most challenging threat among them. The CPN-Maoist has formally decided to boycott the CA election. It publicized its plan that ‘the party has decided to mobilize full force across the country to foil the polls’²⁴ Furthermore, CPN-Maoist General Secretary Ram Bhadur Thapa 'Badal' launched a ‘nationwide campaign’ against the CA election by smashing a mock ballot box in a public program. This activity has already drawn attention of the EC but is helpless to prevent it, except asking the government to prevent such activities in the future and provide favorable security environment for the election.²⁵ There is a real fear that the CPN-Maoist along with its 33-party alliance might create problem for the election. Inspector General of the Nepal Police (IGP) Kuber Singh Rana notes that ‘of late, small ethnic and regional groups have shown their presence in politics. In addition, some parties are boycotting the election. These all factors combined, we may have a tough time maintaining law and order during the election.’²⁶ Hence, political consensus is the key to ensure free and fair election and bringing all the political parties including the CPN-Maoist to participate

in the election that will minimize the electoral violence to a larger extent. Therefore, the CPN-Maoist would pose great challenge for security agencies in the upcoming election. This is particularly because there is no clear direction what mechanism needs to be developed in order to tackle them if they resort to violence. Hence, a clear guideline should be given to the security agencies in the electoral security plan on ways to treat the CPN-Maoist during the election, if they go with their declared tactics to disrupt the election.

4.2 Threats of the Tarai based Armed Groups

The armed groups in the Tarai will create significant challenges for conducting election in a free and fearless environment. They have already announced to disrupt the polls and on top of it, all the Tarai based armed groups have merged into one single armed group to disturb the election in a coordinated manner.²⁷ They have developed a common agenda aiming to disrupt the CA elections. They are also planning to target some Madheshi leaders. The outfit members have decided to boycott programmes organized by parties in the Tarai. The Tarai based armed groups’ ability to resort to violence to disrupt the polls should not be underestimated. IGP Rana also believes that ‘this election will be highly sensitive compared to the previous one. In the past five years, the number of armed illicit groups has alarmingly grown by leaps and bounds.’²⁸ This will create further insecurity for the voters, the candidates

24 Pun, Kiran. ‘CPN-Maoist to boycott polls with full force’. *Republica*. May 7, 2013.

25 Ansari, Gani. ‘EC instructs govt to stop anti-election activities’. *Republica*. July 29, 2013.

26 ‘A clear line must be drawn between politics and criminality’. Interview of Kuber Singh Rana. *Kantipur*. 15 October 2012.

27 ‘12 Tarai armed outfits unite to foil Nov polls’. *The Kathmanud Post*. July 4, 2013.

28 Kuber Singh Rana op. cit .



and other political party's members in the Tarai districts. The early indication was noticed when an unidentified group shot dead one of the party cadres of the Madheshi People Rights Forum (MPRF)-Nepal, an armed outfit operating in Madhesh has claimed responsibility.²⁹ The increase in number of such incidents during the lead up to the election could result in low turnout among voters. This was highlighted during the electoral security meeting organized by the government where head of district security chiefs were called to assess and plan for the electoral security challenges.³⁰ While devising electoral security plan, high attention should be given on tackling Tarai based armed groups by developing specific strategy to address this challenge.

4.3 Criminalization of Politics and Politicization of Crime

A politico-criminal nexus, the concentration and fusion of political and criminal power, is increasing in Nepal. Lack of accountability, transparency, criminals turning into politicians is quite a challenge in Nepal.³¹ This kind of political culture of *Goonda raj* and criminal behavior has now taken deep root in Nepal. From local thugs to organized crimes, any don, gangster or charge-sheeted persons have political ambitions. Criminal acts that have not been adequately investigated have invariably involved political parties or those under their protection. The erosion of democratic values and the desire of political parties to attain power and cling to office make for a lethal of criminals

and politicians.

In December 2012, the EC proposed a new provision in election-related laws to provide that 'a person who is convicted of killing, theft, robbery, fraud, forgery, fake currency use, misappropriation of foreign currency, kidnapping, rape, corruption, human trafficking, money laundering, banking irregularities, passport misuse, drug smuggling, jail break or abetting jail break by others, smuggling of prohibited wildlife or vegetation or objects of archaeological importance, illegal trade and spying, among other illegal activities, or has shown moral turpitude, cannot be a member of any political party if he or she has not completed serving the sentence awarded by a court or any other legal authority'.³² Some political parties rejected the proposal, which otherwise would have prevented candidates with the criminal record to be barred from contesting the election. The rejection of the EC proposal clearly indicates Nepal's political party's lack of accountability and further vindicating the Politico-Criminal nexus. This nexus will be a major hurdle towards conducting a free and fair election and breaking this nexus will not be easy for the security agencies.

4.4 Small Arms Proliferations and Open Border

Various reports and researches have come to the conclusion that there has been a flood of small arms into Nepal over the last ten-year period.³³ The government has banned the use of small

29 'MPRF-N leader shot at'. *Republica*. July 26, 2013.

30 Dhungana, K.P., Des vari ko suraksha phramukh Kathmandu ma. (Nationwide head of security agencies in Kathmandu.) *Nagarik*. 29 July, 2013.

31 Nepali, Mohan. 'Criminalization of Politics and Impunity: Chief Human Rights Concerns in Nepal.' *Ground Report*. May, 16, 2008.

32 'EC proposes banning tainted from politics'. *Republica*. December 30, 2012

33 For details see <http://www.smallarmssurvey.org/>

arms countrywide by introducing strong laws, backed by strong enforcement and monitoring mechanisms. The government has introduced *standard on arms compensation-2013*, based on which altogether 6,745 arms have been so far collected from various outfits groups and the general public.³⁴ This is an important initiative before the election but at the same time, the government needs to identify and prosecute those who are engaged in illicit trafficking of small arms and light weapons. The open border between Nepal and India is one of the most challenging issues relating to the proliferation of small arms and light weapons and activity of the Tarai based armed groups. Hence, it is important to work with the Indian security agencies to prevent, combat and control the illicit trade in small arms through effective border enforcement mechanism. There is no denying the fact that ‘the porous border is widely thought to negatively impact security environment by enabling the illegal flow of firearms into Nepal providing a safe haven for criminals and smuggling of goods from either side and also supply of fake currency into India.’³⁵

Control of the borders should be made in collaboration with the Indian counterpart aimed at ensuring that criminals are no longer able to smuggle arms. This is mainly imperative during the election period; not only to curb the transfer of illegal small arms but also to prevent the Tarai based armed groups from working cross-border to instigate violence in the upcoming election. The IESP should devise appropriate

mechanism to target people trafficking and carrying of small arms as election nears.

4.5 Threat of Communal and Ethnic Violence

Federalism remains another sensitive issue in the upcoming election. One of the key reasons for the failure to adopt the constitution in the previous CA was the lack of agreement on federalism. The modality of federalism is going to dominate the election campaign. This issue will likely be real cause in creating negative security environment. There will most likely be clashes during the election campaigns based on political parties' take on federalism agenda. The discussion on the downsizing of the CA member's total numbers from the previous CA has already created uproar among various Madheshi, ethnic and other marginalised communities as it will have direct impact on their representation in the CA. However, with the recent agreement between the High Level Political Committee (HLPC) and Upendra Yadav-led Sanghiya Loktantrik Madheshi Morcha (SLMM)³⁶, and with the Federal Socialist Democratic Party, it has been agreed to retain the same size as it was in the previous CA. The government should clearly mention ways to deal with ethnic violence or communal violence if it does takes place, the security agencies will face insurmountable pressure managing it. Eruption of ethnic or communal violence in a single constituency and its expansion could result in negative security environment. In such a situation, mobilization of the Nepal Army (NA) does make sense as

34 'Integrated electoral security plan in the offing'. *Republica*. July 25, 2013.

35 Saferworld. (2008). Public safety and policing in Nepal: An analysis of public attitudes towards community safety and policing across Nepal.

36 Pun, Kiran, 'HLPC reached six-point deal with FDF'. *Republica*, August 16, 2013.



a backup force during the election especially to prevent any election-related violence which may jeopardize the overall national security. Electoral security plan should clearly outline the necessary arrangement to prevent the ethnic or communal violence during election and assign appropriate roles and responsibilities to all the security agencies including the NA.

4.6 Tackling the Ex-combatants

The ex-combatants who opted for voluntary retirement could pose a serious threat to electoral security. With the conclusion of the integration and management of the arms processes, 15,624 ex-combatants chose voluntary retirement, 6 opted for rehabilitation while 4,008 were categorized as disqualified.³⁷ After voluntary retirement, most of them have joined the UCPN-Maoist and the CPN-Maoist as political cadres and some of them are contesting the election. Those who joined the CPN-Maoist, will follow every tactics to disrupt the election as the party's public declaration to destruct it. This might create further insecurity in respective constituency especially during campaigning and polling day. They might want to use their tactics to win the election or disrupt the election which might lead to violence. In a recently held high level security meeting, all the heads of security agencies have highlighted the security challenges that the ex-combatants can pose threats during the election.³⁸ The disqualified on the other hand, are dissatisfied with the state and the Maoist party, and can disrupt the election through range of violent

activities. This further creates challenges as most of them possess military skills and can use those military experiences to disrupt the poll through the various means of violence. The involvement of ex-combatants, unlike 2008 CA election, in the upcoming election further complicates security matters.³⁹ Some of them are now active in political parties and will utilize to their advantages in two ways: first by contesting the election and second boycotting the election. In either of the ways, violence will be a tactic to win or disrupt the polls. Hence, electoral security plan should give high priority towards tackling the ex-combatants and prevent its ability to resort to militant tactics to either win or disrupt the polls.

4.7 Confrontations of Youth Wings of Political Parties

The use of violence and intimidation during the election has been a long precedent in Nepal. The United Nations (UN) expressed concern by stating, 'the establishment of youth wings by other political parties raised concerns, particularly when, as was the case with the Youth Force, affiliated with the CPN-UML, they appeared to be competing with the YCL, and claimed to conduct a law enforcement force. Confrontations between the YCL and the Youth Force led to violence and political tension on a number of occasions'.⁴⁰ It is reported that the UCPN (Maoist) has decided to reactivate its youth wing, the YCL⁴¹ which is seen as their move and reaction to the CPN-Maoist youth wing, the Youth Front. Confrontations between

37 Pandey, Lekhnath. 'Army integration chapter concludes'. *The Himalayan Times*. July 5, 2013.

38 'Govt, Security chiefs plan poll security'. *The Kathmandu Post*. July 29, 2013.

39 Wagle, Geja Sharma. 'Free and Fearless'. *The Kathmandu Post*. April 10, 2013.

40 U.N. Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of her Office, including technical cooperation in Nepal, 3 March 2009.

41 Pun, Kiran. 'YCL to be reactivated as CA poll nears'. *Republica*. May 31, 2013.

the youth wings of different political parties could easily turn into violence and political tension. The re-vitalization of the YCL, and increasing importance given by all the political parties to its respective youth wings, will result in greater security challenges. As reported in the media, all the parties' youth wings are planning to mobilize youths in each election booth which is likely to invite violent clashes among them. The YCL is planning to 'deploy 200 youths at each polling booth' and 'retaliate against the forces that aim to obstruct the elections'.⁴² Youth wings' violent clashes will further invite their respective mother party's clash in the election constituencies. Although the EC has vehemently opposed by stating that 'no political party would be allowed to mobilize squads for security during the upcoming CA election'⁴³; however, the security agencies should develop specific security plan to curb their activities.

4.8 Candidate and Ballot box-Related Violence

There are a number of logistical and other challenges to ensure security during final lap of campaigning period. The target of electoral violence is often incumbent state officials or emerging candidates from political parties. Often the objective of political violence during this phase is to eliminate or weaken an opponent, to affect the voting process, establish a dominant position within a particular district by eliminating or threatening potential adversaries. The types of violence seen in this period that includes: incitement to violence in the media or other public places; intimidation

or harassment of voters, election officials and journalists; hostage-taking, kidnapping, and extortion, attacks on election rallies, candidates; bomb scares or bomb explosion; and attacks on observers, both domestic and international. The security personnel mobilized or posted in respective polling booths has a major responsibility to prevent the violence in final lap campaigning and on polling day.

5 Integrated Electoral Security Plan

Providing security for polling sites involves intensive cooperation between various security agencies—the NP, the APF and the NA—and harmonizing their operational plans and priorities are crucial for ensuring peaceful, free and fair election. The Ministry of Home Affairs (MoHA), has prepared 'Integrated Electoral Security Plan' (IESP) to hold the election in a peaceful, free and fair manner. This proposed electoral plan identifies the various emerging security challenges for the upcoming CA election and provides means to tackle each of them. This seems to have been finalized by the MoHA based on the series of discussions held at the various level.⁴⁴ All the security agencies have been informed to work under 'Integrated Electoral Security Plan'.⁴⁵ The MoHA has undertaken a robust task of managing electoral security from the central to the local level. It has been reported that 'election security related works are underway by setting up the Central Election Coordination Unit at the MoHA while separate units have also been put in place in

42 'YCL to deploy 200 youths per polling booth.' *Republica*. August 8, 2013.

43 'No youth squad will be allowed at polling booths: EC.' *Republica*. August 19, 2013.

44 Pun, Kiran. op.cit

45 'Integrated election security plan in the offing.' *Republica*. July 25, 2013.



all the security agencies at the district level'.⁴⁶ Similarly, all the security agencies have set up election unit from the central to the district level for better coordination. In terms of mobilization, the MoHA through its IESP has proposed deploying around 62,000 NA personnel to provide a back-up for 56,000 personnel to be deployed from the NP, 30,000 personnel from the APF and 45,000 temporary police personnel.⁴⁷ The plan envisages managing all security forces, including the NA, under the coordination and direction of Civil Authority to ensure civilian supremacy over the security agencies including the NA. The IESP estimates providing security to the approximately 18,000 polling booths in 10,006 locations of 240 constituencies. It has decided to categorize election constituencies into three categories—normal, sensitive and highly sensitive—and make security arrangements accordingly.⁴⁸ The IESP has enlisted highly sensitive districts and polling booths and decided to mobilize the NA accordingly. The government has categorised 16 districts as 'highly sensitive' and most of them fall in the Tarai where 71 of the 116 constituencies have fallen under the category. Similarly, the government has identified 1,562 polling stations under the 'highly sensitive' category, while 3,850 stations have fallen under this category. The government has decided that the NA personnel will be in the 'third layer' of security in polling stations that fall under the 'highly sensitive' and 'sensitive' categories.⁴⁹ The government has formally decided to mobilize the army through the National Security

Council (NSC).⁵⁰ The MoHA prepared IESP that highlights the necessary security arrangements are in place to conduct the upcoming election.

The IESP should provide the security agencies with a clear framework to work on electoral security matters. First, the IESP should clearly identify the various electoral security challenges. Most of the challenges identified in this paper are the major form of electoral security challenges that have so far been identified. The plan should clearly mention the appropriate mechanism and ways to tackle each of the challenges. Most of them can be managed by the security agencies; however, some will require specific security strategies. Second, the IESP should clearly develop a coordination mechanism between the EC and the security agencies and also within the security agencies. This might essentially include fostering very close coordination between the security agencies and the EC in developing security responses and polling site plans. At the district and the regional level, the plan envisages 'CDOs and Regional Administrators will take charge of the forces' deployment in, with the Home Minister at the centre.⁵¹ It is important to determine who is responsible and accountable for coordination not only for overall or regional security plannings, but for security delivery at the polling site level. Third, the IESP must clearly detail out resources planning. Sufficient advance notice of voting operations plan is necessary to enable the security agencies resource planning. The basic information needs are: proposed location and

46 Ibid

47 'Govt now gears up to clear hurdle in Army deployment'. *Kantipur*. September 23, 2013.

48 Sharma, Bhadra. 'EC centre to command 100,000 security personnel for elections'. *The Kathmandu Post*, June 6, 2013.

49 'Election Security: '16 districts on list of most sensitive areas'. *Kantipur*. September 11, 2013.

50 'Plan to deploy Army'. *The Kathmandu Post*, September 9, 2013.

51 Govt now gears up to clear hurdle in Army deployment. *Kantipur*. September 23, 2013.



period of operation of polling sites, counting centres, proposed distribution and return plans for electoral materials, equipments, and staffs. Proper human resource planning for electoral security is likely to be an extensive task for security agencies. Besides mobilizing the NA for electoral security, the IESP envisages hiring temporary police and it envisioned of equipping them through proper training.⁵² Without additional manpower, the security agencies will lose considerable effectiveness to provide security to cover all polling sites. Given the geographical diversity, it will often not be possible to provide static forces close to each polling site capable of dealing all the electoral security challenges. Thus, transport and logistics planning (sufficient availability of light and heavy vehicles and for remote areas possibly helicopters or aircraft) must be carefully considered in security plan.

6 The Role of the Government, the Election Commission and the Security Agencies

The role of the government is to create an environment conducive for free and fearless election, enact electoral laws, and provide budget and monitor the election.⁵³ The upcoming election in Nepal will be unique in a sense as the Interim Electoral Council of Ministers (IECM) is headed by the serving Chief Justice as an executive head and ex-bureaucrats are ministers. Hence, the likelihood of the government influencing the electoral outcome or instigate electoral violence to benefit itself is less likely.⁵⁴ As the political parties could

not reach an understanding on the amendment proposed by the EC in the draft ordinance (such as insertion of minimum threshold for election under the Proportional Representative (PR) system; declaration of property by candidates etc), the government adopted the ordinance by removing those changes and holding on to the legal provisions that were practiced in the previous CA election. The government has already announced the election budget and is providing the required budget including for the electoral security. The EC's role is to provide technical support to conduct a free, fair and credible election. For this, neutrality and professionalism of the EC is very important in successful electoral processes that generate legitimate, accepted outcomes.

Security agencies' role is crucial in maintaining peace and security throughout the election period. It has a primary duty of providing election security. There should be robust coordination mechanisms between the security agencies to avoid duplication and overlapping of their work during election. Furthermore, the security agencies need to be provided with basic information on topics such as understanding the election laws, prosecuting people under the election laws and so forth.

52 'Temp cop hiring process begins'. *Kantipur*. September 20, 2013.

53 Wagle, Geja Sharma. op. cit.

54 Ibid

7 The Code of Conduct of the Election Commission

During the elections, the exercise of power of the EC circulates through the Code of Conduct. The election Code of Conduct broadly relates to the conduct of election campaign, funding of political parties, fixing financial ceiling for candidates, norms about broadcasting of election news and so forth.⁵⁵ Below are some of the codes issued by the EC that needs to be strictly followed to minimize electoral violence.

- The EC has allowed candidates competing under the PR system to spend a maximum of Rs 75,000 each, while candidates under the First-Past-the-Post (FPTP) system can spend a maximum of Rs 1 million each for the election campaign.
- FPTP candidates must submit reports on their funding and expenditures to the District Election Offices while the political parties should submit their reports to the EC within 35 days of the announcement of poll results.
- The EC has put a heavy punishment for any candidate violating the code of conduct. The EC can slap a fine Rs 100,000 on candidates found violating the code and can also annul candidacy if it deems that there cannot be free and fair election because of the violation of the code by anyone. The constitutional body can bar a candidate from contesting elections for six years if the candidate is found spending beyond the set limits.

- The code of conduct bars political parties and candidates from using helicopter for election campaign except in the remote districts such as Solukhumbhu, Manang, Mustang, Dolpa, Humla, Jumla, Mugu, Kalikot, Bajhang, Bajura and Jajarkot districts.
- It prohibits the government from effecting promotions other than the regular ones. Similarly, the government cannot announce new programs other than those mentioned in the government budget.
- Political parties and candidates should not deface the pamphlets of rivals. The code has prohibited burning of effigies of others during the election campaign. It has also prohibited both private and state owned media from supporting any candidate or political party.
- The code of conduct stipulates that the publicity campaigns can be carried out only from 7 am to 7 pm. Political parties and candidates will not be allowed to engage in election campaigning 48 hours before voting and after the vote.

8 Conclusion

The paper discusses the various electoral security challenges and focuses the attention of the concerned stakeholders that if it is not adequately addressed could lead to the electoral violence. First, it identifies range of electoral security challenges such as Tarai armed groups, ex-combatants, youth wings of political parties, the CPN-Maoist-led alliance among others. But concludes that these threats can be managed



by the security agencies. Second, it suggests these electoral security challenges should be clearly mentioned in the IESP. Furthermore, the plan should have a clear guideline to the security agencies on how to manage each challenge. Third, the paper endorses clear roles and responsibilities of the security agencies (i.e. the NP, the APF, the NA and temporary police) needs to be mentioned specifically in the plan. Electoral security requires well-coordinated security agencies. This will help to better complement each other on the difficult task of maintaining electoral security. Political consensus is utmost priority for conducting a free, fair and credible election. Lastly, coordination mechanism should be clearly mentioned in the plan between the government, the EC and the security agencies. This might include discussion on hiring temporary police, mobilization of the NA, securing budget and developing various electoral security units. Overall, the government particularly, the concerned ministries and the security agencies and the EC should work under the IESP, which should clearly spell out responsibilities of each involved and provide a robust coordination mechanism to carry out their duty. This IESP should be made public. It will help to better coordinate, implement and manage any intended or unintended violence and insecurity.

9 Key Recommendations:

9.1 Recommendations to the government

- Ensure 'Integrated Electoral Security Plan' that clearly explains the various threat levels

- Develop a clear guideline and direction to the security agencies to prevent the violence emerging from these challenges.
- Electoral or criminal legislations should include penalties for perpetrators of electoral malpractice and violence.
- Provide necessary riot control or crowd control gear. The majority of the NP does not have appropriate protective gear or less than lethal equipment to act appropriately to riots or mass encroachment of polling stations.
- Ensure all logistic requirements such as vehicles and helicopter service, along with sufficient fuel supplies for patrolling during the election. Similarly, additional office equipments should be provided for effective coordination among the security agencies.
- Ensure accountability and prosecute former corrupt CA members and bar them from contesting the upcoming election
- The nature and intensity of the threat varies across all locations; electoral security plan should be decentralized in a coordinated manner. The decentralized structure should follow the leadership models established at the national level.
- Political parties must not be allowed to use provocative slogans to woo the voters. Radicalization of election environment either by spreading hatred among the voters would disturb the election environment.



9.2 Recommendations to the Election Commission

- Strictly implement the Code of Conduct and punish the person instigating the violence
- Strictly follow the published time-table
- Maintain neutrality and impartiality in holding the election
- Strictly observe all the election related matters.
- Ensure that the District Election Officers are represented in all the 75 District Security Committees during the election period.
- Develop a Code of Conduct for the media to define general guidelines on publication and broadcasting protocols with specific provisions directed at the coverage of elections.

9.3 Recommendations to Political Parties

- Ensure High Level Political Committee work as a stable dispute resolution mechanism to prevent electoral violence and facilitate inter-party communications to mitigate violence.
- Political party should strictly adhere to the Code of Conduct and define the expectations, actions, and prohibitions intended to reduce violence.
- Political parties should give clear instructions to its youth wings not to instigate any forms of violence. Develop

appropriate internal mechanism within the parties to punish the perpetrators of violence.

- Political parties should be very sensitive and careful while campaigning on the federalism-related issue to prevent any kind of violence based on it.
- Political parties should stop using criminal gangs during the election campaigns and threaten or coerce the voters.
- Political parties should be transparent and maintain the limit on their respective election funding and submit election expenditure on time

9.4 Recommendations to Security Agencies

- All the security agencies should develop their respective election security strategy in line with the government's 'Integrated Electoral Security Plan'.
- Identify and collect security-related information from all the 75 districts and provide timely policy feedback to the government.
- Be transparent and neutral in hiring temporary police and provide specific training on pre and post-election security and special skills training on securing polling centers and transporting ballot boxes.
- Develop an appropriate training module for all the security agencies. It would ideally address the following matters:

the election process, human rights and election, election law violations, neutral and non-partisan behavior, and the adverse effect that the presence of security agencies may have if they are too close to polling sites, and appropriate use of force.

- Develop appropriate coordination mechanisms to ensure integrated cooperation across the stakeholders—at the national, regional and district levels—involved in electoral security.
- Provide adequate security to all candidates in all election constituencies. A special Tarai and eastern hill focused security plan needs to be developed to provide

protection to candidates and voters.

- Ensure that ballot boxes arrive safely to and from all the counting stations in district headquarters.
- A better coordination mechanism needs to be developed and institutionalized within all the security agencies including the NA
- Conduct the security analysis for each election constituency and based on it, increase or decrease the level of security.
- Respect and follow the civilian supremacy while managing the election security matters.

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