



INNOVATIONS FOR SUCCESSFUL SOCIETIES

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CHAUBEY: My name is Varanya Chaubey, and I am speaking with Mr. Neel Kantha Uprety, who is a commissioner on the Election Commission in Nepal. I'd like to thank you, Mr. Uprety, for participating in this interview.

UPRETY: *Thank you very much for coming to Nepal and coming to the Election Commission and interviewing me, particularly on and around elections. Thank you.*

CHAUBEY: We'd like to begin by asking you a little bit about your personal background. So could you describe the position that you hold now and your responsibilities?

UPRETY: *I am one of the election commissioners. We are five actually by the constitution; we are five commissioners. At the moment we are only four; one has retired because of age: 65 years. My responsibility as a commissioner is to basically manage and control and supervise and implement the elections in a wide version. Particularly, we decide the policy, and the implementation is done by the secretariat of the Election Commission.*

So I have been commissioner the last two and a half years, in this position. Until then I was doing something on the election and around the election all over, if you like, but most of the time I was in Nepal involving all general elections from 1990 until 1999. There were three general elections I was involved in, and two local-level elections in Nepal. These were democratic elections, for that matter. Then I was also involved in some international elections—if you'd like to know, the elections of presidents of Afghanistan in 2004 and the parliamentary and provincial elections of Afghanistan again in 2005. I was a senior coordinator there working for the elections on behalf of the United Nations. These were some of the involvements of mine in the past particularly. Also, I have had visits and observations of various elections of various countries' elections, particularly with South Africa and Sri Lanka and Bangladesh and Australia, U.K., Denmark, and of course Pakistan. Afghanistan was one of my elections, and I was also involved as one of the members of the staff. So this is my brief background.

CHAUBEY: That's wonderful. I'd like to ask now a little bit about the Election Commission itself.

UPRETY: *The Nepal Election Commission?*

CHAUBEY: Yes.

UPRETY: *As I mentioned earlier, we are a constitutional body. Our provision in the constitution: we are supposed to be five election commissioners. One of them should be the chairperson. Constitutionally we are mandated to organize, control, supervise, and implement elections. In doing these elections, then you have to do a lot of other management work, of course. Then you have to also do the drafting of law, regulations, and directives for all these elections, that you are going to implement. So these are the main responsibilities of the Election Commission. So our organization, in this country particularly, if you'd like to see, we are located centrally in Kathmandu as a central office. We have 75 district offices all over the country. We have 75 districts, so we have 75 district offices. We have been appointed as members of the constitutional body, but then all elections that are being implemented are carried out by the government employees deputed to the Election Commission secretariat.*

So the Election Commission doesn't have its own employees' staffs appointed by the Election Commission. All these staffs are deputed from government, they are a public servant if you like. They are deputed here, and then they are—we increase when elections are there, about 240,000, and we decrease to a small number, core staff of about 600 when there are no elections. So this is our organization per se.

CHAUBEY: I'd also like to ask a little bit about the responsibilities of the election management body and how they have evolved over time. So have there been any recent changes in the responsibilities of the Election Commission here?

UPRETY: *Generically, everywhere Election Commissions are mandated to conduct elections. While conducting elections you may have to do a lot of things which come between; of course, they are specified in the regulations and the law. Our Election Commission is not a very new one, actually. If you'd like to see the Election Commission of Nepal, we had an Election Commission in 1959. It is about—how many years?*

CHAUBEY: Fifty years?

UPRETY: *Yes, about fifty years. But all these Election Commissions in the past were sometimes during democratic elections, sometimes not so much during—. After 1990, the electoral decision of democracy in Nepal, we started formally having a powerful Election Commission in this country; from 1990 onwards, started having a full-fledged Election Commission, and that started working on. From 1990 itself, when I was involved in the Election Commission of this country, we started doing most of the activities that we need to do in the process of election management: reforming the electoral roll, reforming the voter registration law, and establishing the electoral roll, proper electoral roll for elections. These were some of the reforms we started in 1990. But then, Nepal is not a very simple country now, because of so many years of conflict. We had ten years of insurgency, war, and we did not have a very comfortable time for managing elections either. After we had three general elections, and we could not conduct the elections—periodic elections—regularly because of the problems between the government and the insurgents.*

Basically, after the peace agreement—comprehensive peace agreement between the government and conflicting factions of political parties—now, we started doing some reformations. The reformation, particularly reform that had been brought about after the comprehensive peace agreement between the government and the insurgents, is the electoral system itself. In Nepal we have had an electoral system that was borrowed from western countries, particularly from the British regime and even the USA. The winners-take-all system, which is FPTP [first-past-the-post], we call in this work—this is the majority system that we have been following for all the elections in the past.

But now the biggest breakthrough of the reform that has been brought about after the comprehensive peace agreement is the change of the electoral system itself. So we we basically adopted a mixed electoral system for simplicity. I said it's a mix, but I always say it is a parallel mixed, not a pure mixed system, an electoral system like when we mix properly. That is, that becomes a real mix which is called MMP, mixed-member proportional representation system. But then we adopted the proportional representation system, plus FPTP separately. So that was the electoral system. And the biggest change—reform, if you like.

We are a country of diversity, very big diversity. We are a country of 201 languages, 59 or someone says 60 castes and ethnicities, and a small country, comparatively, of about 30 million people. But then to manage such a country of diversity and to have representation of such a big ethnic groups and disadvantaged and marginalized people in the process of government-making and in the process of democracy-making, we had to have a good electoral system. This parallel mixed electoral system has somehow given us some better times of representation, so that today, in the Constituent Assembly elections, we have good representation of major groups—I should say not all, but the major groups, including the best representation of women—about 33% of representatives in the Constituent Assembly, which in the past was a number you could count on the fingers.

Plus, putting together all these ethnic groups in five categories, we have very good representation proportionally, as mentioned, in the electoral roll. So these are some of the reforms, but that did not end. We have a lot to do in the electoral process to reform the electoral system itself, and also to manage elections better, in a more credible way. For that we are in the process. Today we are still working on that.

CHAUBEY: I'd like to ask you a little bit about the sorts of challenges you encountered in the runup to the previous election, to the Constituent Assembly election, in terms of logistics and organizing that election. Could you talk about some of the challenges?

UPRETY: *Challenges in managing elections? In Nepal particularly there are many falls, I mean, you know the country. As I mentioned earlier, the composition of the population, the education of the people, the insurgency and the post-conflict environment, geographically difficult terrain, and the literacy rate, the low level of literacy. You can always manage, I think, the logistical management of election. [There are] security issues because of a post-conflict nature, and education, voters' education, because people are illiterate. Also you are introducing a system which is complicated, that was itself a challenge because we had a very simple system: first-past-the-post, just vote for one person—finished, number one place, that's it. But then you have two ballot papers and two ballot boxes and two—so many candidates and who to vote and how to vote, all these things. So we had that problem also.*

The biggest problem for Nepal, and particularly for the Election Commission, in managing the Constituent Assembly election was political. I take aside all these things that I was telling you are real. Basically they were also the problem, challenges if you like. But then these challenges were in the second category in terms of the political challenge we were facing.

In the process of managing, preparing for the Constituent Assembly elections last year, 2008, we had to prepare for three elections. We prepared three elections with one result. We conducted one election, basically prepared for three. Two elections were postponed in the 11th hour. I mean, how much pain you would have in your mind in the Commission, as a commissioner, you would feel that you have been doing so much preparation. and finally you are not in a position to conduct the election.

So we had a terrible time, but then the greatest challenge was to come to the conclusion of accepting the electoral system itself for the representation, to see the point. Nepal was jumping from an FPTP to a mixed electoral system, and the

political parties were opining and asking their own interest of somebody asking FPTP, somebody asking PR, somebody a mix, and this and that. Then the first preparation was canceled. Then we had to still discuss and deliberate on the electoral system itself. So electoral law was not given to the Election Commission until very late.

Because of the conflict, because of the disagreement on the ratio and proportion of these two electoral systems, FPTP and PR, finally they had to decide. They negotiated and decided. "They" means the political parties and the stakeholders. They decided to go for the mixed electoral system, that is a parallel mixed electoral system. So that was the biggest hurdle.

The second-biggest challenge was, of course, for everybody in the post-conflict environment, security is a challenge. For a credible election, you have to secure the voters, you have to secure the logistics. You have to manage the election on time, systematically, so that it can be credible and the country can move ahead with the peace process. So that was a challenge, of course.

CHAUBEY: You mentioned one of the issues was adapting to two postponed elections. What were the sorts of steps the Election Commission took to adapt to that situation?

UPRETY: *Basically we are the only authority who is responsible in drafting the regulations and laws. We are not the one to finalize and approve the regulation. We approve the regulation but not the electoral law or act. So the election act which was approved by the Parliament—the Interim Parliament, then—they took a longer time to negotiate between themselves and the political parties and the newly associated party that came from [...] So it was taking time on that issue.*

The older parties, having some democratic practices in the past, they were practicing democracy. They were very much accustomed to use FPTP, and they were forming a majority government with the help of that. Others joining the new elections, they were not that comfortable with that system, and they were looking for something that gives a better representation of the people in general. So the negotiation went on. Basically the first preparation failed because of disagreement on the issue of the electoral system itself. The second failed because they still could not prepare the electoral law.

Then finally they negotiated that in the second period; they negotiated with 50/50 quota with FPTP 246, PR 246. Then later on, still some factions were not satisfied, particularly the right and some Janajati in the east. They were not satisfied with the provision of the ratio between these two systems. They wanted to increase the PR side, proportional representation side of the quota, and the other one. So finally they went to 58-42, 58 for the PR side and 42 for FPTP side. Also it enhanced the number of seats: 240, 242, for 480 to 575. That satisfied temporarily their interest. So then they finally agreed to approve the electoral roll.

In this process, what we did—that was the question—I came very round about, sorry for that, but then in this process, what we did, actually, we were inviting the stakeholders, particularly political parties, all political parties were registered in the Election Commission. Seventy-four political parties. All were invited to discuss. They deliberated on this issue many, many times. We were basically inviting, involving them in every issue that needed to be addressed on time. So that was one of the processes that the Election Commission kept open and continued to bring them in the main track of the agreement of the electoral system and legal framework for the election.

CHAUBEY: You mentioned that you invited 74 political parties. Was that done on a party-by-party basis or at a round-table conference?

UPRETY: *It was one person from one party, at least, so that all parties are represented and all are giving their input in the process. It is not only for the electoral roll. Whatever we are introducing—new system, new process—we usually invited them. Not only them, actually, because in our country the civil society also is very strong, so we have been inviting all of the civil society and different organizations working on the reform process, including teacher associations, student associations, disabled associations, women's association, Dalit associations, Janajati associations, and political parties, of course; all these 75 were invited. So we have had these regular meetings. We were sharing our own activities, how we were going to go. That made us more—basically because of this openness and sharing with our stakeholders, the Election Commission, that trust and confidence in the Election Commission started increasing. Otherwise, it was at the zero level when we started in 2006; the stature or the confidence of the Election Commission was almost zero when we came in the Election Commission.*

CHAUBEY: So having data with parties and civil society is one way of gaining trust. What were some of the other methods that the Election Commission used in order to build trust among people?

UPRETY: *Politically, people were very much worried particularly about getting change from that stage to this stage—or not even this stage, which we are still looking for. For ten years people didn't have proper respect on humanitarian grounds or from the governance point of view; they were not getting anything from the government, from the country. So people were pretty much worried about whether elections were going to happen or not. We had to convince the people that elections are going to happen, and don't worry that you will have to come and vote for—*

Let me tell you, until the seven days before the election of April 10 last year, in the country there was no guarantee of having that Constituent Assembly in Nepal. People were—even political parties were not sure of that. Then what we did to win the belief and confidence of the people in us was through civil education and voters' education. We went to the people in various ways, not only through electronic media but then through various focus group discussions and also sending our own officials to each and every village and telling the people that this is the greatest chance that you are going to write your constitution on your own. This is an historical occasion. Nepal is moving ahead, and don't think that you will get it again. This is the greatest chance, so we take part in the process of making your own faith, creating your own future. So come on and do participate and cooperate with your friends—come to vote.

Also we have launched programs to educate them on how to vote, where to vote and when to vote, all these things. I think this process went on there for all 18 months. It started from the very beginning, because then we expected we would have elections in six months. It was very much an optimistic plan of the government, because the elections are announced by the government, not by the Election Commission.

Then we started working with the people, so we went to the people. That was the only way of getting confidence.

CHAUBEY: You mentioned that the Election Commission was involved in drafting some of the changes in regulations, was that right?

UPRETY: Yes.

CHAUBEY: Could you talk about what those changes were and how you went about drafting them? What were the sort of factors you considered?

UPRETY: *Basically, the question of representation, particularly of the marginalized and never-represented people. Particularly, I mentioned earlier, women's representation in the previous Parliament was just 10 or 12, at seven and 12. Three Parliaments; we had seven women in the first, seven women in the second, 12 women in the third. See that representation, because women compose 50% of the population. That was the starting point, if you like. Also in the past, as I mentioned, these are the lead depressed groups; the disadvantaged persons' groups and Janajatis were not proportionately represented. So our starting point was that the new Nepal will be only possible with representation of these disregarded or disadvantaged sectors being represented in the constitution-making process so that they can bring their own feeling into the constitution, and the country can move ahead with their—they can present their own views and the country can move ahead. That was the starting point and point of departure for drafting the legal reform, the legal framework for the election, basically.*

CHAUBEY: Were there any challenges having the stakeholders accept some of these rules?

UPRETY: *Basically, in the countries where democracy is very old and people do not have knowledge on and around such systems, we have the responsible people tell them what it is, what comes out of it. You have to even tell them results and outcomes. So we were telling them, this has to be followed, this is the democracy process. Everyone has to have some responsibility, so you have to do this and that. Then generally people accept it by all, but then by this they don't. That is the problem in developing democracy per se. But we have similar problems here. People, or voters, or political parties, or those who are the closest stakeholders to the Election Commission were kind enough to accept the regulations and directives. But then when it comes to the day of elections, and when it comes to the campaigning process or whatever process in the elections they are, in the sense that they are not abiding by and then they are forgetting what they were supposed to do. So this is a mixed situation in here, in this country, and that could be very much applied in developing democracy also. So we had a problem, certainly, and we do have that problem, and we'll have to resolve it through reforms in the future.*

CHAUBEY: Could you also talk a little bit about registration of parties and candidates? What were some of the challenges you faced in that process? Were there any delays, and how did the Commission cope with those?

UPRETY: *Interesting. Yes, it is a very important question. The parties are important in the democratic process: multi-party democracy, yes, there are parties. Many parties in the developing democracy; more parties are emerging basically because they want to develop their country probably through their own ideology and philosophy. The Party Registration Act and Election Commission Act have provisions for the registration of parties.*

CHAUBEY: How old is that act?

UPRETY: *That is just two-and-a-half years old. This Election Commission Act came also after we came in. We had an Election Commission Act earlier, but then we did the reform, and we have a new Election Commission Act. We have the Party Registration Act also, but that did not come on time. So what we did, actually: we asked the Parliament to incorporate the party registration sections in the Election Commission Act itself. So we managed to register political parties.*

In registering political parties we had two types of parties. One set of parties, about 15 parties, were already in the interim Parliament, I mean the Parliament that was there, the reinstated Parliament of 1999. Plus some parliamentarians, selected by the new factions, political parties, the Maoists, and some others who joined the government later on. Also there were some members without election, but they were supposed to be elected, so we had that interim Parliament there. This interim Parliament basically was doing all this particular process of approving laws and everything.

Coming to your main point, can you repeat your question again? Sorry, I am going a little further.

CHAUBEY: I was wondering what the challenges were in terms of deadlines and if they were extended.

UPRETY: *Registration, particularly, political party registration. Sorry for that. Political party registration, whenever there are elections, new elections, there is a provision for registration of political parties. Even an old political party has to get registered in the Election Commission if you are going to contest the election. So we announced the date for registration for the first election that we prepared, and it was cancelled, right? So that is the point, and the starting problem also.*

There were two types of parties. One was already in the Parliament, that's 15, and they had certain qualifications required to register in the Election Commission. Others had different qualifications to be registered in the Election Commission. The first, the 15, since they were in the Parliament already, they were supposed to be recognized parties, and they did not have to produce 10,000 voters' signatures. The others who wanted to register in the Election Commission had to produce 10,000 voters' signatures. That was the condition put into the electoral—the Party Registration Law.

In some other countries—there are 500 some countries [where] there are 100,000, but then some countries do not have this provision—you know probably more of them than I do. This was itself a challenge to check 10,000 voters' signatures. How can you verify it? Practically you cannot. You cannot verify. You cannot ask all voters to come and say, yes, it is my signature, whether they have signed it or somebody else has signed on the name of the voters. That was one of the challenges for us to scrutinize that and get the party registered on time.

So this we came through by selecting some percentage of the whole. The Election Commission decided to check about 2.5% of the 10,000, and we tried to verify with our names and database of the electoral roll. Wherever the names and details didn't match, we didn't go and verify the signature; it was not possible, not at all—sorry for that, not meeting the qualification. But then we had to submit ourselves that way.

So we checked with our name database, and wherever they were not sufficient, then we basically asked them to resubmit within the time. So that was how we managed to—then out of about 78 parties registered we managed to register 74. Four of them could not qualify, and they gave up basically to bring the things there. But then it was the first registration.

There was another problem of nomination. When the second election was announced and we started nominating the riots and struggles and whatever you call it, objections started in different parts of the country, including Terai, the plain land and eastern part of the Janajatis, and everyone was talking about: no, we are not going to come to contest the election. And the registrations of political parties, though it was completed then, the registrations of the candidacy for the PR and FPTP, they were not coming to register there. So major political parties, I should say regional, were not coming to register as a party to contest the election. That made the government cancel the elections. So that was another problem in the process of—second time elections in the past.

The registration process is simple. In the earlier elections, polling party registration was not that stiff, like you have to provide 10,000 signatures, but then for the Constituent Assembly election we had the 10,000-signature requirement to be submitted to the Election Commission to get the permission of the political party to contest the election.

CHAUBEY: How did you arrive at the 10,000 figure?

UPRETY: *That's a good question. I don't know, I don't know why they came like that. Of course, there were so many advisers and technical people working with the Election Commission, national and internationals. We had some experience of other countries, and as I mentioned, my own experience. We were trying to bring the real parties, those that had some backup, strong backup of the people. So let's have some sort of control. Democracy should not be controlled that way for participation, but then, if you are not really having good support at least of 10,000 people, why should you contest the election. So that was the reason we tried to. There were provisions—they were thinking of 25,000, and somebody was asking 5,000. So I think in between we agreed on 10,000.*

But then there were objections on this particular issue of putting 10,000 signatures, the necessity of 10,000 signatures, to summon to the Election Commission. But then finally the major parties, 15 parties, because they didn't have to do that, so they were the lawmakers finally they decided, fine, let's take 10,000. So we did it.

CHAUBEY: So were all the parties involved in these consultations on various changes to the Election Act particularly on parties?

UPRETY: *Not all actually. Until then these 15 parties had a highhandedness, if you like. Those who were in the Parliament, representing the Parliament, they had a major say in the electoral laws and all these provisions. After the party registered—because this Election Commission Act came a little earlier than the Election Act itself, this party registration was a provision in the Election Commission Act, which was basically passed before the other parties came in existence. So it is the 15 parties who agreed to have this provision in the electoral law of this country.*

CHAUBEY: You mentioned a little bit that you had 74 parties involved in various consultations. I'd like to ask about the kinds of ways in which the Election Commission reaches out to parties. Are there regular formal meetings or informal meetings—how does the Election Commission's interaction with the parties proceed?

UPRETY: *If there is a pertinent issue that needs to be consulted and we've got to get their consent or agreement then we invite them. We invite them through writing an official letter to the political parties. Let's talk about this before the Constituent Assembly election. Then we have 74 parties. We were to write to all of them, invite all of them, particularly on the issue of electoral law, on the issue of regulations that affect the political parties' movements and their interest and the issue of electoral directives for election staffs, on the issue of codes of conduct for political parties and candidates. So these major issues, plus the issue of introducing new equipment, new technology like ballot boxes—we didn't have ballot boxes, we had different ballot boxes, we had to introduce new ballot boxes, transparent ballot boxes. We had to introduce two types of ballot papers, different colors and all that. When there is an issue of identity that comes up, then we invite them.*

So major issues, whatever comes that needs to be consulted and to get agreement of the political parties, we invite them. We basically did that for all these particular issues from the very beginning. We had so many meetings for the electoral systems in the beginning. Then later on we started having these major issues, electoral management issues, and introduction of new technologies and that, and we had party meetings in the Election Commission—formally we invited them, and they represent—they don't send normally the person, whoever is to come to the Election Commission, in the meeting—they normally send the same person again next time so there is continuity and understanding in the party. This is how we have been doing in the past.

CHAUBEY: Was that something the Election Commission requested, that they send the same person?

UPRETY: *Yes, we requested, because if you change the person, then the continuity and understanding would not be there. Sometimes one issue is taken for a number of meetings, so we want the same person to come and continue. So the political party has appointed a person to represent in the Election Commission's meetings on regular basis whenever we invite them. That was the process. After the election, the Constituent Assembly election, now in the Constituent Assembly we have 25 parties representing out of 74. Basically 74 parties registered, 50 parties contested, 25 parties participating in representing in the Constituent Assembly, so these now—the general practice of the Election Commission is that those who are representing in the Constituent Assembly, we invite them—so the number is now narrowed down.*

But then, for the upcoming Constituent Assembly bye-election, which is going to be again on the 10th of April, that will be for all 74 parties. All of them can contest if they like.

CHAUBEY: Now you've been part of this process for a very long time, since the '90s. Is there something that is a new procedure that the Election Commission is following in terms of the interaction with parties or with civil society—you mentioned that also is something you have been doing?

UPRETY: *I think so—in the past, since I was involved in different positions and different capacities on this particular Election Commission, from 1990, we did not have so much interaction, so much openness and transparency of the Election Commission with the stakeholders, particularly in the political parties but also other groups, civil society and other groups. So one of the principles of making it a much more reliable institution, or respected institution, was through the participation of all the stakeholders in our activities. So we started doing this particularly; in the past it was not there so much.*

CHAUBEY: And what other steps were taken to make this body more transparent?

UPRETY: *Regular meetings is one of them, of course. Also, we are in the—basically, since last year's election, during this one year's time—let me come to that point, again, through a little bit around. After the Constituent Assembly election that was said to be credible by all of you, internationally and nationally it was accepted and politically it was accepted also, elections, post-conflict elections in that situation, relatively it was satisfying to us and to the people in general. Then there were so many omissions, inconsistencies, and there were so many things that need to be improved in the future elections, including the transparency, including the interactions with the stakeholders: what should be done, modality, regular modality to get the tasks and get their consent and all these things.*

We have started going to them from the grassroots level to see what are their perceptions of the past year's elections, and what they suggest to us for future improvements. So we made almost 4,000 selected people, including government employees, out of returning officers, out of district officers and political parties in the districts, 75 districts, political parties in five regions and the top brass of political parties in Kathmandu, the capital city, and also we invited civil society to see and get their feedback. We have also gone through all the reports that were given to us, submitted by the observers, international and national observers. All the recommendations we have taken, what are the things that we need to address for better elections in the future.

So your question of how transparency or intimacy can be maintained and how we can still be getting their feedback: you are also going to get trusted by institutions and respected by institutions for credible elections in the future. We have set up regular meetings and regular publications of our materials, elections. Whatever development we are doing, and whatever assessments we have been doing this period of time, we are going to disseminate to all the stakeholders.

Let me tell you that next week, on the 12th, we are going to have a big conference, half a day, but then we are going to disseminate all these findings plus our strategic plan for five years down the road. Five years, what the Election Commission is going to be and what it should be doing. We are going to share with the political parties, civil society, media, and the government offices so that they understand us, where we are heading towards and what would be their feedback for us to implement that strategy plan.

So we have ad hoc meetings, we have structured meetings. There are two types. One issue comes, and it is an issue that is coming between, all of a sudden, then we invite political parties and some selected civil society—of course, those who are very much interested and very much attached to the electoral system, the process, persistent procedures, we invite them for anything that is coming in an ad-hoc basis. Otherwise, anything that needs to be discussed with political

parties to make it transparent, we invite them in structured meetings, like once in two months, something like that. That is our process.

CHAUBEY: Now in many countries, people feel that the management body should be an independent body, and there are many ways to build this kind of independence. What are the steps that have been taken here recently to ensure the independence of this party?

UPRETY: *Independence starts from the constitution itself. What is your position in the constitution? Are you constitutional, autonomous, independent, and you are self-sufficient yourself? When we see these things we talk about this independence—I mean how you are appointed, who are you to be independent or neutral in the sense. If you are neutral, impartial, then you become independent. If you are not, then you are not.*

In order to be independent, autonomous, and neutral, you have to have some sort of standards in how you are appointed. The appointment itself is a better process of appointment in the past if you compare the past Election Commission's appointments. We have been selected from the people, the stock of the people: those can be appointed as a commissioner. Then the Constitutional Council, it is the highest body that suggests, they come and ask the Parliament and the Parliament hearing process—through the Parliamentary hearing process, we were appointed. That means that the people had a chance to object and claim and do whatever they wanted to do with the complaints and all that in the process of hearing. So that was one of the process that made us more confident in ourselves, that we are capable people. Also that made the people confident that these people have come through that process. It is not like somebody has put a ticket on our head and then appointed like that. So that was one of the beginning points of the procedure for our autonomy or independence or neutrality.

But then nobody is neutral in this universe. I mean, this is a statement somebody might have said to all. Neutrality is not possible, but impartiality is the important thing, how much you can be impartial. So every human being is not fully neutral, but then it is impartiality: what is your idea with regard to what you are going to do.

Secondly, the autonomy and the respect of the election management body comes from how much resource access you have. I mean, how you are going to manage the elections. Who are the managers of elections? You are policymakers; you make policy. You make regulations and directives. But then who is going to implement? How capable and good and democratic and unbiased and impartial are the institutions that are mobilized in the process of election management? That is another point.

Third is—I mentioned the resources. Human resources is one thing, and there is money. How does money come? Is it coming from the treasury through the control of the government missionary, or is it coming directly from Parliament, or the Election Commission has access and capability of getting money. Are resources from wherever it likes to have it? So these are some of the important points.

Every Election Commission is a constitutional body having all these provisions of being autonomous and independent and impartial. But when it comes to the point of its own staffing, it is not possible for this commission to have a big number of

staff for all the election management. So we have to borrow all this staff from the government organizations on deputation for election management. Also on deputation at other times. So there is a weakness there. We are in the process of implementing a new plan. I am coming, bringing the strategic plan. In the future we wanted to have our own staff, recruit it ourselves, and they are for the Election Commission, by the Election Commission, and so they can work more neutrally and impartially. Also, when it comes to the money part of it, the resources part of it, the legal provision, the election law gives us authority to ask anything that we require for election management. I mean, any resources of our government, we can bring it under our control to use for the election.

CHAUBEY: And whom do you have to ask?

UPRETY: *Through the government, the Ministry of Home Affairs, normally, and the Ministry—that's the prime minister's office. Then we ask them to provide for security, for transportation, for office, for anything that is required; we are the first priority. We are the government when elections are announced; we can do that, whether it is theory or in practice, in the countries, again coming back to the point. In the countries where elections, democracies are still being enhanced, then it is a question of how much you are really capable of getting the resources when you are asking. So it is sometimes difficult to say, it is easy to say and difficult to practice in real life. But then, of course, we never had a problem of getting resources, human resources and other resources from the government and from the donors, for managing the elections in the past.*

CHAUBEY: Now, you mentioned that during elections, the temporary staff of the Commission goes up to 240,000. How are those staff members recruited? Is there a pool that you go to usually, or how are they actually recruited?

UPRETY: *This number increases when the day of election comes. Slowly it increases, basically. We have about 600. When election comes, there is education about the election you have to do; Parliamentary election or whatever election you have to do, you basically start with education. So for education you need about 10,000 or 11,000 employees. These are normally the schoolteachers; we take them from the schools, government schools and public schools. They are trained by our training officers, one of the units in the Election Commission; we have training units, and that provides the training to them. We produce the materials for education, voter education, and these are mobilized there.*

Then comes the actual election managers who are supposed to recall returning officers. We appoint returning officials, district judges, the court judges; 240 constituencies, 240 judges will be appointed. So these are trained by us again, and they will be given all regulations and laws and bylaws and directives, and we prepare all these things. We provide them the training. They go back to their own constituency. They are trained to train further, so they are trainers also. We prepare a pool of trainers. The level of training, we start from central here in Kathmandu and then it goes to the regions, the five regions, to develop the trainers for 75 districts. The 75 districts' trainers, they are part of the process; these trainers will train the polling officers, about 40,000 polling officers for 20,000 polling centers. These 40,000 polling officers and assistant polling officers—these two polling officers will train the polling level staff at the polling center level. So this is the cascading method of training we have adopted, and we have been doing that quite nicely and well-managed during the past also. I think we have very good experience.

But then capital city building is a regular process. We cannot retain our staffs here because these are the government's employees. They are normally transferred in two years' time. So that is one of the problems with us in the Election Commission.

CHAUBEY: And this sort of training you said you've been doing for some time, was it done in previous elections as well?

UPRETY: *We have been doing it in the past election as well, but then the systematic approach and the time given and the materials prepared were better in these elections than in the past. But there were regional types of election training sometimes. They would invite all the polling officers in—150 in one group, and you start distributing materials and whatever. Then you give them some masala tea and then that's it. But then we have a systematic approach of conducting elections, training for elections, so that the systematic approach is a cascading method. How many days it requires for what level of staff, that has been well planned and according they were doing. The polling officers are trained for two days. Returning officers here in the center and the regions are two days, and one day for the polling staff in the polling centers.*

There are nine steps of training, including the voter education. So we have conducted training in nine steps for 240,000 employees and staffs for polling, for managing the elections.

CHAUBEY: In development of this training methodology as well as some of the materials, who was involved?

UPRETY: *Our own experience of elections—of course, in the past, some of us have been involved in elections in the past, so we have that legacy, some knowledge and some experience of the country itself and the country's elections on the outside. Also we have had some expertise, technical experts from outside as well from the United Nations, to help staff us, basically. We're in the driving seat in the elections, but then they were supporting us when there was a need.*

With regard to the electoral process, if you are confident in the process, how it works, probably our people are quite capable of imparting that knowledge down to the people, because language-wise everybody can speak Nepali; it is a common language. So I think we are capable of training our people ourselves.

CHAUBEY: Now with the change in the electoral system, obviously previous kinds of ballots, things like that couldn't be used, so could you talk a little bit about how the new ballots were designed?

UPRETY: *Yes, again, let me go back to the British electoral system, or the electoral system that we borrowed from colonial masters. It was borrowed from there without any understanding probably. Maybe it was given to us; we never thought elections are there and elections should be—. In Asia, mostly all Election Commissions in Asia are using one variant of British systems in the past, that they were using. So we had the same systems followed by the Election Commission of Nepal also for fifty years, about fifty years back.*

The ballot, the question of the ballot comes. In the 1959 elections the ballot was designed for the people who are illiterate. That was to put the symbol of the candidate or political parties, nothing else in the ballot paper, no name, no other things, it was the symbol of the political party or the candidates. So that was the

legacy we were transferring from then until now. Until 1999 we were using a single ballot for parliamentary elections with the symbol of the candidate.

So people in our country, voters, could read, understand the symbol. These symbols are recognizable by the people because they are the commonly used items in goods all over the country. That was what was used. So last election, there were questions and there were suggestions made by the technical experts within and outside that we may have to introduce names and photographs and other things. But then we could not introduce that because we still tried to follow the same patterns, because our people were accustomed to use the ballot, understand the ballot, what it was.

So we decided only to make the distinction between two systems. We decided to have two different colors, basically, the pink and the blue. That came suddenly, somehow. How did it come, pink and blue? Basically it was by accident or by selection. So we decided to have two differently colored ballots, and the convention of putting symbols, we still retained that. There was a question of putting names and photographs. We could not put that, because 50% of the people could not read. You are benefiting the 50% of those who can read, why not make them all equal then. We thought, let's make them all equal. All are given equal opportunity to read it. So they all read the symbol; we did not give the name. Maybe we should go for giving the names, that could enhance the speed of voting, but then we couldn't do.

Now the complications. Your question also is with regard to the complications of these systems. Since there were two ballots and two different colors, people were confused. While educating the voters we started telling them each time: unlike the past election, you have to select two persons, two candidates, two votes. There was a confusion in the designation of messages, probably, and also the level of understanding of the voters. Then people have chosen two persons on one ballot, instead of going to two ballots. They were not given both ballots at the time, but they were given one ballot first, and they were supposed to stamp a mark on one ballot and cast their ballot in the box and then go to the next ballot, to take the next ballot and go to the next polling screen and then come back and put it in the other box. But then, because of the education they must have in their mind, they went to take one ballot, the first ballot, and they went to the screen, and some of them—I shouldn't say many of them—some of them put two stamps on one ballot, on two different symbols probably. So that made an invalid vote percentage higher than in the past.

Not only was it mistake of education, but also a mistake of the complications of the electoral system, difficulties of the electoral system, the parallel systems introduced for this country.

CHAUBEY: You mentioned also that this time around there was some change in voting technology, and one of the things you said was the change in ballot boxes.

UPRETY: Yes, actually, I was mentioning the ballot box. We had a metal ballot box. This time we went for—last year we went for a plastic ballot box, transparent type of ballot box. That was one change that had to be introduced and had to be accepted by the political parties and also voters. Then also we wanted to introduce electronic voting systems like in India. So we wanted to test it. First of all the political party has to agree. So we had some education, some training, some demonstrations of the Indian electronic voting machine here.

Finally we decided to introduce electronic voting systems in one of the constituencies of Kathmandu Valley, so we successfully introduced that. That was one new technology that was introduced in Nepal. In the coming six bye-elections, we are going to expand in all the bye-elections this electronic voting machine. That was another technology we introduced.

CHAUBEY: Were there any problems encountered with that technology during the test run?

UPRETY: *No, not at all; it was completely bulletproof, if you like. It was quite nice, very robust technology that was tested in India for 25 years. India is a very difficult, diverse country as well, big, and the largest democracy. They have been practicing it for the last—since 1985. Not the country as a whole, but they started from there. Then they covered the whole country. They have been using it quite OK. It has a lot of benefits. People accepted it, and they liked it, and we wanted to expand it in the future, maybe countrywide. But this time we are going to go in six constituencies.*

CHAUBEY: As far as the ballot boxes are concerned, why did you decide to use this new kind of plastic box?

UPRETY: *The first reason of going to this ballot box was that the previous ballot boxes were metal and were difficult to open and close. Also you never know what is inside. People cannot see anything in there. Even if you open it and saw it, the people during the polling, still people would have doubts what is inside. That was one reason. The second reason, of course, was they were very tough and difficult to open and close, and training was very difficult. They got rotten very fast and, you know, many things, and everything. So that made us change this and go to the ballot box, the plastic. But then the plastic ballot box also has some weaknesses on its own, weaknesses like the seal. The previous seal was also a problem there, but this seal breaks very often, and then we had a problem of convincing people it was broken during transportation, not because somebody has done something else.*

CHAUBEY: How did you procure these boxes?

UPRETY: *This is the—first of all we took a few samples from different vendors, the producers, and we showed to the political parties. Again, these are the number of boxes, which one would you like. One was very transparent, so one political party wanted so much transparent; let's make it some semi-opaque type so that the stamps cannot be seen even if it is unfolded when it is going down the slot. So we went to have this opaque type of ballot box. Then how to procure it. Of course, there are very limited producers all over the country, and we had to have those on time, and there is a lot of money involved. So we went to donors. There were donors who wanted to support us. There has been scamming. They wanted to support us. All ballot boxes, 80,000, OK, fine. We asked them to support, and they ordered some European manufacturer. They were delivered here in Kathmandu and in different points in the districts. So that was how we did it.*

CHAUBEY: Another aspect that you talked briefly about was updating the voter list. What were some of the challenges encountered, because this voter list, the previous one, hadn't been used for quite some time?

UPRETY: *Yes. As I mentioned earlier, elections cannot happen without many other things. But once more, the voter list is the primary thing that needs to be there. Our voting list, according to the law, Voter Registration Law, our electoral roll has to*

be updated every year. The 1992 electoral roll—the Voter Registration Act has a provision that every year the voter list needs to be updated. We have been doing the ritual of updating the electoral roll. The ritual I mention because during the time of insurgency, our officials were not able to go to the villages, all villages and update it properly and systematically, as we would have done it. But then after ten years, when the election for the Constituent Assembly was announced, we had a modified electoral roll, and accordingly with the Voter Registration Act we started updating the electoral roll. Basically we took the same electoral roll that was there with the Election Commission, though updated every year. But then for the elections of 2008, the Constituent Assembly election, we sent about 27,000 staff all over the country for a period of 21 days and updated the electoral roll. The increment was 15% of the number that we had earlier.

It went from 11.5 million to 17.6 million voters in a period of one year. It is not one year—basically, it is all twelve years. So that is how we made it more reliable than it was earlier. But then one of the major recommendations—problem faced, encountered, and recommendation of all stakeholders, including observers of the constituent assembly election, is the improvement in the electoral roll and the identification system.

So in our new strategy plan, we wanted to really scrap the old one. We don't like to stitch it again and make it baseless. So we wanted to scrap the old one, go for a new electoral roll, visiting every individual, asking every individual including—we wanted to have photograph attached to the electoral roll so that identification—also had a problem. So that is our future plan because it is recommended very strongly. Also we have our own assessments of the present electoral roll. So we will have a better electoral roll in the future.

CHAUBEY: What were some of the problems with identifying voters on polling day in the past?

UPRETY: *During polling day, when you were there, it was not mandatory to have identification, because all people were not given proper identification either. So you could come on my name or some other's name. So that was a problem. People tend to come, and there are people that are influences in a democracy like ours, and people could be influenced to vote for somebody else in a proxy voting and chain voting or some sort of thing.*

So in order to increase the quality of elections, we needed to have correct identification of each individual. We had some problems—somebody already voted for somebody else's name. We had some incidents like that in the past, and that was also the experience in the past election. So an identification system is very important, though elections are conducted at a local level. There are political party scrutinies in the election polling centers. They are supposed to know most of the voters, each party's representative, but there are still instances where some votes are fake votes and some votes are rigged votes or whatever. In order to reduce that—eliminate if possible—then we've got to have some sort of proper identification that can only be through having the photographs of individual voters in the voter list itself. Plus it could be nice if you had an ID card also coming together with that. That is what we are looking for in the future improvements.

CHAUBEY: So far there is not an ID card.

UPRETY: No, no. We introduced ID cards, this Election Commission, sometime in the mid '90s, but then that failed because it was not properly planned and properly done. So we did not continue that. So now, this coming election, bye-elections, again, we have made it mandatory to have a photo ID so that people will have to come with a citizenship card with photo ID in order to vote in the bye-election. This is already a new step towards improvements in the quality of elections. So that has already been introduced.

By then, all voters of these six constituencies must have a citizenship card. If they do not have, they are asked now—we have already asked them to go to the district office to get the citizenship card before you go to polling. So this is already commencing and it is already started, we will have that practice already in there.

CHAUBEY: Why hasn't this citizenship card been used previously?

UPRETY: Because we were not giving citizenship card to all voters.

CHAUBEY: So this is new.

UPRETY: The citizenship card is not a mandatory thing until now and even today. If you need a citizenship card you go to the office and get one; if you don't need, you don't go. This citizenship is very much attached to the property. If you are holding some property, then you go to get a citizenship card; otherwise, there was no kind of mandatory provision to have a citizenship card to go to school, college, university, hospital, and all that. So Nepal does not have a national ID card like the U.S. or some other countries. So a national ID, one unique ID, that is what we are looking for. We have suggested to the government, it is a government responsibility. We wanted government to participate with us in the process of making this photo ID for voters and let them also make the national ID for each individual getting one national ID, unique ID, so that nobody can cheat and nobody can make another ID similar to that. We are in the process of improvement in that also. But in the past we have had—we have no universally distributed citizenship card, so we could not ask them to come to the polling center with a citizenship card as an identification of voters.

CHAUBEY: We've covered a wide range of topics. In conclusion I'd like to ask: we'd like to hear about specific innovations or some ideas that were tried and developed in countries and that worked well. So if there is an example that that you would like to share about any innovation in elections administration, we'd like to hear about it.

UPRETY: A very big question. I think we are learning—not inventing the wheel again—we are learning from different elections of different countries, trying to make a hybrid maybe. Sometime we'd like to adopt it, modify it. With regard to managing elections particularly, this is an important issue; the question is very important. We have not invested our time in the success of new innovations as such in the area of elections. But then I'd like to mention one thing, which is maybe not unique for some countries, but unique for many countries. Countries like ours—the quality of education, voters, quality of elections starts from voters' capability, voters' level of understanding, and the practice, democratic practices.

What we did, one new thing in our country during the process of the Constituent Assembly election for educating voters: we have produced an invitation card for each and every household, each and every household; say, we have about four

million houses, four million-plus houses all over the country. We prepared four million invitations with the name of the persons of the head of household and with the serial number of the voter list, date of the polling, and the place of the polling, and also asking them to come to the polling day without fail and bringing all the members of that particular family. If any neighbor is missed, please bring the neighbor. Ask the neighbor to bring, to come—if the neighbor had not received any invitation, please ask him to come also. This is one of the things that we did in our voter education process.

I think this is one of the successful, well-appreciated and nice things in this country. I think we would like to continue it in the future also, so that this is winning the hearts of the voters. All invited means you have a different feeling. The Election Commission of Nepal has specifically invited me to come to the polling center. You try to win the heart of the voters to come to the polling center. So that was one of the things that we introduced, and that is a successful and also well-appreciated activity during the elections.

Of course, the second thing, I would again stress, is how much transparent you can be. I mean, to be a good manager, a good election management body, you have got to be transparent with the stakeholders—plus not only national; internationally you should be transparent as well. When you are making decisions in the process of elections, policy-level decisions of the Election Commission, you should be open to show them how you decide on the issues. I think these are some of the things that we have been doing in the past. That should be a good thing to be copied if there are any countries that would like to copy it.

CHAUBEY: This is very interesting about the invitation cards. Where did that idea come from?

UPRETY: *I think this idea—I was thinking of having a calendar instead of ID cards only when I was thinking of improvement in the voters' education process. I was looking at it because this is my area of more responsibility than other areas. Then with the early days, for even the 1999 election I was thinking, why can't we have a calendar that tells you the date and time and place of voting for that particular vicinity, the particular village or particular polling centers areas. So I was thinking of producing the calendar which can be hung there in the teashops or everywhere, so that it goes everywhere, so that people can see the month of the elections; the day of election can be individually printed there, clearly seen there.*

That was then what I was thinking. Then later on I thought that this is very important, if you can invite. Then sometimes it was difficult to convince our own colleagues and friends. How can you distribute four million invitations? When you have a wedding ceremony it is difficult to send even 400 to reach to the people; it is difficult. Finally all agreed, and the germination of this idea was—not now—it was then 10 years back, and actually I was thinking of introducing through the calendar to the home or to the village, but then we converted it into the invitation cards this time. So we introduced it. It was difficult to convince not only nationally, but internationally also. Can we do it? Finally they also liked it.

So we decided to send volunteers, education volunteers, one male, one female, to each village, with a lot of other resources including the invitation cards. They were supposed to go to each corner of the village to conduct the face-to-face education, plus they were supposed to distribute the invitation card to each

household in order for this, for the success of this election. So we introduced that, and it was a precedent.

CHAUBEY: Wonderful. I know you're pressed for time, and I want to thank you so much.

UPRETY: *You're most welcome. It is nice to revisit my own experience, and nice to also know that you are going to do a great job for the improvements in the electoral system, the process and procedures for other countries as well as for us also. Thank you very much for coming to the Election Commission.*

CHAUBEY: Thank you.