



Carter Center Observations on Political Parties in Local Bodies

November 23, 2011

I. Introduction and Executive Summary

This document summarizes Carter Center observations on the role of political parties in local bodies such as District Development Committees (DDCs), Village Development Committees (VDCs), project users' groups, and school management committees.¹ It is not a comprehensive survey, but rather a general overview of major trends and dynamics identified by party-affiliated and non-party-affiliated Nepalis interviewed by observer teams at the district and village levels. The report is intended to serve as a brief background document for individuals or organizations seeking to better understand the ways that political parties participate in and influence local bodies.

Main Findings:

1. In general, party representatives say they can participate freely in the all-party mechanisms of the DDC, VDC, and Municipalities, and in most districts parties reported having “good cooperation” on development matters. However, other interlocutors sometimes refer to this cooperation more negatively, as parties “dividing up the budget” in their own interests.
2. Parties often informally agree to divide influence on local bodies according to their overall strength in the district, VDC, or ward.
3. Although intended to be non-partisan, positions on school management committees (SMCs) are often contested along party lines, and are among the more frequent sources of inter-party disputes.
4. Although also intended to be non-partisan, in some areas project users' groups are highly politicized, and parties sometimes compete for influence on these bodies.
5. In areas where political parties are prominent actors in local bodies, citizens have mixed views of their roles. Some citizens expressed neutral or positive views – they either did not see the politicization of local bodies as a serious problem or believed party involvement could be accountability-promoting. Others had much more negative views, complaining that party-affiliated members pursue individual or partisan interests and that ordinary citizens are shut out of the process.

Finally, in the course of discussions on the current role of political parties in local bodies, a large number of interlocutors expressed their belief that the absence of elected local government since 2002 has resulted in reduced government accountability. In multiple districts, Carter Center observers heard that local elections would be an important step in building more accountable local bodies and that holding such elections should be made a priority.

¹ Formally, under the Local Self-Governance Act, the term “local bodies” refers specifically to the DDCs, VDCs, and Municipalities. However, this paper uses the term more broadly to include project users' groups and school management committees.

II. Methodology

Since June 2009, The Carter Center has been observing Nepal's peace process and constitutional drafting process, with small teams of national and international observers deployed throughout the country.² From February to June 2011, observers visited 25 districts to collect detailed information on political space in Nepal and, as a sub-category of political space, observers also looked at political party participation in local bodies. The bulk of observer findings was published in an August 2011 Carter Center report, "Political Space in Nepal: An Assessment of Recent Changes and Future Challenges."³ However, recognizing that there is relatively little information available on the participation of political parties in local bodies currently, and in particular on bodies such as SMCs and users' groups in which parties have no formal role, The Carter Center decided to publish a separate paper on this subject in order to share more detailed findings. To supplement the initial findings from early 2011, Carter Center observers conducted follow-up research in several districts from July to September 2011. Observers spoke with a wide range of Nepali and international actors at the district and VDC levels, including party representatives, government officers, members of school management committees and users' groups, journalists, and other citizens.

III. Background and Legal Framework

DDCs, VDCs, and Municipalities

Successive decentralization measures have created local institutions to set development priorities, allocate budgets, and monitor project implementation. Political parties have formal and informal roles in local development and, in the absence of elections or other political programs, participation in these bodies is among the most prominent activities of local party branches. The core institutions under the Local Self-Governance Act, 2055 (1999; LSGA) are the DDC, VDC, and Municipality, which are intended to be elected bodies. In the absence of local elections, which have not been held since 1997, these bodies are being substituted for by unelected representatives nominated by political parties ("all-party mechanisms"), with representation from key government officials, and chaired by civil servants (the Local Development Officer, in the case of the DDC; the Village Development Committee Secretary, in the case of the VDC; and the Executive Officer, in the case of the Municipality). These bodies set development priorities in their areas and allocate development funds.⁴

Users' groups

The LSGA also provides for a second kind of local body – "users'" or "consumers'" groups – that implement and manage projects selected by the DDC, VDC, and Municipality. Unlike the committees, which have formal roles for political parties, users' groups are intended to be grassroots committees of project beneficiaries.⁵ Most of these users' groups exist at the ward and area levels and manage the implementation of DDC and VDC-funded development projects such as roads, irrigation, and electricity. Their responsibilities include collection of users' fees, maintenance of infrastructure, project accounting, and hiring contractors or other groups to implement the project if necessary. Under the LSGA, users' groups are intended to be formed from among beneficiaries of each project. Formation of these seven to eleven-member committees is by consensus; if there is no consensus, membership and key positions can be decided by election. People with certain conflicts of interest

² The Carter Center is also observing the Election Commission of Nepal's ongoing voter registration program.

³ "Political Space in Nepal: An Assessment of Recent Changes and Future Challenges," August 4, 2011. Available at: http://www.cartercenter.org/resources/pdfs/peace/democracy/Carter%20Center_Political%20Space%20in%20Nepal_Aug%2004%202011_EN.pdf. Some of the data in the present paper on the role of parties in local bodies was briefly summarized on pp. 16-18 of the August 2011 report.

⁴ The term of the committees elected in 1997 expired in 2002. A Ministry of Local Development circular issued in August 2006 describes how the DDC and VDC should function in the absence of local elections, and prescribes a role for appointed all-party mechanisms as an interim measure.

⁵ Legislation such as the Water Resources Act, 2049 (1992) and Forest Act, 2049 (1993) have also made provision for users' groups to manage the use of local natural resources. However, for this report, Carter Center observers focused on users' groups that are governed by the LSGA.

(including elected officials, contractors, and members of the VDC all-party mechanism), are barred from sitting on the committees, and no one is allowed to serve on multiple committees.

School Management Committees

In addition to the local bodies described above, a 2001 amendment to the Education Act 2028 (1971), created School Management Committees to involve guardians, teachers, and civil servants in the management of their government schools. These committees of up to twelve members are responsible for overseeing maintenance of the school, have some authority over curriculum, and may hire and dismiss certain categories of teachers. The Ministry of Education's School Sector Reform Plan 2009-2015 envisions further strengthening SMCs and expanding their role in ensuring school performance, adherence to regulatory requirements, and management of teachers.

Ward Citizen Forums and Citizen Awareness Centers

With the current absence of elected local bodies, the government has recently taken initiative to increase citizen involvement in local development planning. The Ministry of Local Development (MoLD), through the Local Governance and Community Development Program (LGCDP), is in the process of deploying social mobilizers in selected VDCs throughout the country to establish ward-level Ward Citizen Forums (WCFs) and VDC-level Citizen Awareness Centers (CACs) in order to raise citizen awareness, elicit citizen input and increase citizen participation in local development planning. The new bodies are planned to be established nationwide in the next several years. Although WCFs and CACs will not have formal powers over the DDCs, VDCs or Municipalities, they are expected to assist in planning and monitoring projects in the absence of elected local representatives, thereby increasing the accountability of the government officials and political party representatives that sit on these bodies.⁶ With WCFs and CACs still in the formation process, their operational status ranges widely across the country from unformed, to formed but inactive, to constructively functioning in certain wards and VDCs.⁷ Limited Carter Center observations in six districts suggested that local government and party officials were generally aware of WCFs and CACs and supportive of the concept. However, because functioning of the new bodies is in its early stages, most interlocutors withheld judgment on their effectiveness. Several also said they were unclear of the exact relations WCFs and CACs would have with existing structures.

Recent policy changes

There have been two other notable MoLD policy changes implemented in the last year to increase party accountability in local bodies. First, for the all-party mechanisms of the DDC, VDC, and Municipality, each party must formally nominate one person to serve a one-year term as the party's representative. Previously, party members attending meetings could rotate, hampering institutional memory and reducing individual accountability. Second, party representatives can now be held legally accountable by the courts and the Commission for Investigation of Abuse of Authority (CIAA) for the role they play in local bodies. Previously, legal accountability for local body decisions was held by local government officials.⁸ However, it remains unclear how these recent policy changes are working in practice.

⁶ For more about the LGCDP's establishment of WCFs and CACs read the LGCDP's "Social Mobilization Guideline" of December 28, 2009 available at: http://www.lgcdp.gov.np/home/pdf/Final_SM%20guidelines%20english%2028_12_09.pdf.

⁷ For a WCF success story see the June 3, 2011 United Nations Development Program: "Ward Citizens Forum- bottom-up approach for inclusive development." <http://www.undp.org.np/success-stories/details.php?i=164>.

⁸ DDC Grant Operation Working Procedures 2067, Article 44. The Carter Center does not have data on whether the new requirement to nominate a single member for a one-year term is being implemented. However, in a case study of the all-party mechanisms of two Far Western districts, the UN Resident Coordinator and Humanitarian Coordinator's Office (RCHCO) noted that the requirement was being followed in one district and not in the other. See RCHCO Field Bulletin Issue 25, "All Party Mechanisms in Kanchanpur and Dadeldhura: Contributing to Local Governance?," November 2011.

IV. General Findings

- 1. In general, party representatives say they can participate freely in the all-party mechanisms of the DDC, VDC and Municipalities, and in most districts parties reported having “good cooperation” on development matters. However, other interlocutors sometimes refer to this cooperation more negatively, as parties “dividing up the budget” in their own interests.**

In nearly all districts visited, parties, government, and civil society interlocutors reported that DDC, VDC and Municipalities operated on a consensual basis and were largely free of major conflict. Parties generally report good cooperation on development matters and say they are usually free to express their views. An RPP leader in a Mid-Western Hill district echoed a common refrain: “Development is a common goal of the political parties, so we coordinate with each other to find consensus.”

Other interlocutors refer to the process of “finding consensus” as parties “dividing up the budget.” As one human rights advocate put it, “if one party resists, they get the medicine [pay-off] to keep their silence.” In some cases, party-affiliated groups receive payments or other direct benefits from the budget. For example, a recent budget dispute in a VDC in Darchula was resolved when a smaller party received permission to distribute jobs to several of its supporters, while four party-affiliated youth groups received allocations ranging from NRs 20,000 to 100,000. In Kailali, a VDC office reported making contributions directly to parties, with the UCPN(M) receiving significantly more than other parties (NRs 20,000, against NRs 6,000 to the NC) because of its relative strength in the area. In other cases, parties benefit indirectly from influence over the budget, for example by directing projects to particular constituencies. In one Western Region district, a UML representative said that his party tried to allocate funds to areas where many ex-supporters were present in order to regain their votes. In another district, the LDO and other interlocutors said that parties were steering development to their areas of highest influence and support, which left the least developed and most inaccessible part of the district short of investment.⁹

- 2. Parties often informally agree to divide influence on local bodies according to their overall strength in the district, VDC, or ward.**

Parties often accept an informal norm that their influence on local bodies should be in proportion to their relative organizational strength, and they divide local positions and influence accordingly. A UCPN(M) district secretary in the Mid-Western Region explained that, once development plans are announced, political parties meet to allocate the main positions in users’ groups. A VDC-level NC leader in the same district agreed, and added that although all parties in the VDC get positions on users’ committees, the major parties get more and better positions.

Within districts, it is often accepted that parties will exercise more influence on local bodies in their areas of strength. For example, Madhesi parties often had little representation in users’ groups, SMCs, and VDC councils in the northern parts of Sunsari, where their organization and support is weaker, while non-Madhesi parties were poorly represented in the south, where Madhesi parties are strong. Parties frequently accuse each other of trying to ‘dominate’ local bodies, particularly users’ groups and SMCs. Nevertheless, interlocutors agreed that, despite such complaints, formation of users’ groups usually proceeds smoothly and without open conflict.

⁹ RCHCO also notes “a widespread perception that the VDC budget is collectively misused as a slush fund for vested interest groups,” and quotes a VDC secretary in the Tarai as saying, “we do not usually meddle with [users’ groups] as they are cronies of local politicians. We just approve whatever paper they bring.” See RCHCO, Field Bulletin Issue 3, “Empirical case-study of VDC Secretary absenteeism and related service delivery in 45 VDCs in rural Nepal,” May 2011, pp. 7-8.

Contrasting examples of SMC functioning

Case Study 1: SMC dispute in Mugu

In February 2011, SMC elections were held for the presidency of a higher secondary school in a remote VDC. The UML and UCPN(M) allied against the NC-supported candidate, and a UML-affiliated candidate won the election.

The following evening, intoxicated UML and NC cadres argued over the election, resulting in a series of inter-party clashes that continued for two days. District-level leaders of the NC and UML, accompanied by police, visited the site to calm tensions.

As of the Carter Center team's visit in May, all three political parties were still disputing over the remaining posts and the full SMC was not yet formed.

Case Study 2: Teacher appointment in Bajura

SMCs do not always operate along partisan lines. For example, in Bajura, Carter Center observers reported on SMC and wider community cooperation at a higher secondary school in Badhu VDC.

In 2008, when a new teacher was to be hired for the school, a public meeting was held in which all stakeholders – including the three major parties – agreed to respect the decision of the SMC to hire the new teacher on individual merit rather than party affiliation or other alignment. Although the SMC head was a CPN-UML leader, NC cadres were vocally appreciative of the school's management.

Apart from this example, the teachers at the school said that it is common practice in not just Badhu but greater Bajura to call a community meeting to decide on important matters related to schools. Teachers and locals of Badhu said that no decisions were taken without consultation with villagers.

Smaller parties are generally free to put forward their views in DDC and VDC councils. However, decision-making is dominated by larger parties, and interlocutors in numerous districts stated that smaller parties are frequently sidelined, and sometimes are not invited to meetings at all. For example, a UML member in Darchula explained that, “the three main parties do not listen to the smaller parties because they have no mandate, and no members.” In Sankhuwasabha, the FLSC complained that, although their members often joined users' groups, the top positions were usually awarded to members of more established political parties. In Tanahu, representatives of two smaller parties complained that they were often not consulted on decisions, and were only asked for their signatures on decisions already made in the DDC; an RPP-N member in the same district said of his party's nominal participation in the DDC, “it is better than total exclusion, even if we have no influence.”

3. Although intended to be non-partisan, positions on School Management Committees (SMCs) are often contested along party lines, and are among the more frequent sources of inter-party disputes.

In many areas, positions on SMCs are contested by party-affiliated candidates.¹⁰ For example, in Sankhuwasabha, local interlocutors noted that many seats on SMCs reserved for local parents/guardians were filled by senior members of the community affiliated to political parties. A UML representative in Darchula explained that local committees have always been politicized but that the SMCs' power to control hiring made them an attractive target for parties. An INSEC representative in the same district agreed, noting that SMCs are now political because of the authority they were given in the Education Rules of 2002 to control appointment of teachers. A UCPN(M) leader in another Far-Western district said that SMCs are inherently political and that his party's influence on the committees simply reflected its overall strength in the district. Commenting on the role of parties in SMCs, one District Education Officer said he thought the

¹⁰ To discourage outside interference in SMCs, the Ministry of Education recently narrowed who could be considered the “guardian” of a student in SMC elections. “For the purpose of selecting SMC chairman and members, only parents and grandparents will be registered as guardians.” Sixth Amendment to the Education Regulation 2059, January 23, 2011 (unofficial translation). Carter Center observers were unable to evaluate what effect, if any, this amendment has had on politicization of SMCs.

influence of parties in SMCs was, on balance, “good for democracy because people can see how different parties compete.”

Appointment and dismissal of teachers by SMCs, and elections to key positions on the committees, are among the more frequent sources of inter-party conflict. A journalist in Rukum noted that SMC elections frequently lead to “‘turf wars’ between political parties,” and cited an incident in early 2011 where NC and UML cadres in the district had clashed during an SMC election. In a high-profile incident in Gorkha in February 2011, supporters of the NC and UCPN(M) nearly clashed over the attempted dismissal of an NC-affiliated teacher by the Maoist-affiliated chair of an SMC. In Kaski in August 2010, several people were injured when the YCL intervened in an SMC election in Pokhara; the NC, UML, and UCPN(M) had agreed in principle to divide leadership of three SMCs among themselves but could not agree on who should lead which school. Reportedly, one of the schools was considered to be wealthier, and therefore more attractive to control. In Kailali, members of the Tharuhat Autonomous State Council (TASC) made nighttime phone calls to a school headmaster urging the appointment of a TASC-affiliated teacher.¹¹

4. Although also intended to be non-partisan, in some areas, users’ groups are highly politicized, and parties sometimes compete for influence on these bodies.

Ordinary citizens are sometimes excluded from leadership of users’ groups, with the leadership positions instead divided among party members. In some cases, positions were distributed to party members from outside the ward where the project was taking place, in violation of the regulations. Interlocutors in Mugu, for example, noted that users’ group positions are sometimes “pre-negotiated” among the political parties prior to the community meeting that officially forms the group. In Gorkha, observers noted that for some committees political parties met in advance to decide on committee members and divide positions among themselves, with little decision-making involvement of apolitical beneficiaries. In one road committee investigated by observers, nine of the 15 members were also on the VDC-level all-party mechanism in violation of government regulations.¹² The three key positions of chair, secretary, and treasurer were held by the NC, UCPN(M), and UML representatives, respectively, and the committee chair said the quota of 33 percent women had been filled by adding women to the membership list without their prior knowledge. Observers noted that several other committees in the district had similarly partisan structures.¹³

Parties sometimes compete for influence on users’ groups and try to limit the influence of other parties. For example, in one road users’ group in a UML stronghold in Tanahu visited by observers, the NC and UCPN(M) worked together to ensure that no UML representatives sat on the committee, following accusations of financial mismanagement by the former UML affiliated chairman, while in a UCPN(M) stronghold the NC and UML collaborated to prevent Maoist “domination” of local committees. In Mugu, NC and UML cadres had a dispute over the presidency of an irrigation committee; they eventually reached agreement to symbolically share the top positions in the committee among the three main parties and to share access to the project’s bank account. In Sunsari, the inability of parties to agree on the formation of a users’ group for an irrigation project reportedly led to the suspension of the project. In another VDC in Sunsari, a road construction project had been suspended for several years because political parties were unable to agree on the allocation of top positions within the committee.

¹¹ The amount of resources under SMC control varies widely. In one school visited in Banke, 16 of 20 teachers were appointed from school resources on a temporary basis and could be hired and fired by the SMC. In addition, the school controlled around 200,000 rupees allocated by the DDC and VDC. In Kaski, another school had only five temporary appointments subject to SMC control.

¹² There is no specific provision governing the participation of political parties in the users’ committees, which are envisioned as citizens’ bodies. However, Procedure No. 22(c) of the DDC Working Procedure on Grants 2067 prohibits members of the all-party mechanism from sitting on users’ committees.

¹³ However, it is useful to recognize that the line between “politically-affiliated” and “partisan” members of users’ groups and SMCs is not always clear. In Bhajang, for instance, many interlocutors said that party-affiliated individuals led users’ groups almost by default, as they were likely to be the most prominent and well-connected local citizens.

- 5. In areas where political parties are prominent actors in local bodies, citizens have mixed views of their roles. Some citizens expressed neutral or positive views - they either did not see the politicization of local bodies as a serious problem or believed party involvement could be accountability-promoting. Others had much more negative views, complaining that party-affiliated members pursue individual or partisan interests and that ordinary citizens are shut out of the process.**

Citizen views of the role of parties in local governance varied, and the degree to which politicization is problematic varies by district and VDC.¹⁴ Some citizens did not see politicization in local bodies as a problem, and a few believed that party participation promoted accountability. In Jhapa, for example, several interviewees said party involvement in users' groups made them more accountable institutions. One man said, "there is a balance between the demands of political parties and citizens. Political parties try to get their candidates into top positions in users' groups... [However], local people want to have active and influential people as their chairperson. Ultimately everyone wants an honest candidate who will do the best job." In Tanahu, a citizen said the politicization of SMCs in his VDC "has no real impact, except when it comes to appointing teachers, but we have no recent examples of that here." In Bahjang, a citizen said that, without party involvement in appointments, "Local people would never have a chance to get hired here." In Bajura, many citizens interviewed did not see party involvement in SMCs as being problematic.

However, other citizens believed that parties had a negative impact, at times voicing resignation about party involvement. A citizen in Tanahu complained that "users' groups are not accountable to the people," and explained that "the people are also reluctant to take responsibility and will not speak out against the UML, as it is their stronghold." In another VDC, a man complained that "only UCPN(M) cadres and supporters are involved in the road committee and the committee is not transparent at all." In Mahottari, many citizens linked politicization of users' groups with corruption, including one man who said, "75 percent of money is spent on projects but 25 percent is divided among [users' group] members."

V. Conclusion

Political parties are prominent actors in local bodies, including in bodies in which they have no formal role such as users' groups and school management committees. In addition to the laws and regulations that govern party representation in local bodies, local party branches themselves often abide by informal norms in determining their relations and relative influence. While in some cases this involvement may promote accountable and informed decision-making, many people interviewed for this report expressed concerns that party interests and representation were being prioritized over public participation in local development and school management, and accusations of outright corruption were not uncommon. Politicization of local bodies has also led at times to serious disputes and violent clashes between party supporters. Management of political parties' role in local bodies and its range of consequences is an ongoing and multi-faceted challenge for the government, public, and parties alike. In this regard, numerous interlocutors suggested that holding local government elections would be an important step in ensuring more robust accountability of local bodies to citizens.

The Carter Center wishes to thank the many citizens, civil society representatives, government officers, journalists, political party members, and members of the international community who offered their time and insights for this report. This report, and The Carter Center's work in Nepal, would not be possible without their support.

¹⁴ In conversations with The Carter Center, several national-level interlocutors have noted a perception that, as one analyst put it, the "negative aspects of party involvement" are most pronounced in portions of the Tarai. However, The Carter Center's data on local body functioning is not systematic enough to usefully disaggregate on the basis of geography.