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POLITICAL SPACE IN NEPAL HAS IMPROVED SINCE CONSTITUENT ASSEMBLY ELECTION BUT CHALLENGES REMAIN, SUSTAINABILITY STILL IN QUESTION

Kathmandu... In a report released today, Carter Center observers found broad consensus that political space has opened across Nepal since the 2008 Constituent Assembly election. Improvements in the behavior of Unified Communist Party of Nepal (Maoist) cadres at the local level and a decline in armed group activity in parts of the Tarai were frequently cited as the main reasons for this change.

However, serious concerns over UCPN(M) activities in certain areas of the country and the presence of armed groups in parts of the Tarai continue, and it is unclear whether the improvements in political space made to date can be sustained during future national elections.

Additionally, while nearly all interviewees reported that political space has improved, Carter Center observers found that political parties are currently engaged in relatively few public activities, meaning that in many areas political space remains partly untested. Many party cadres complained of a lack of instructions, guidance, and support from their central-level leaders.

“Carter Center observers were told by non-Maoist party members in multiple districts that the ‘conflict-era mentality’ of Maoist cadres is fading and that non-Maoist parties are increasingly free to organize and conduct activities in rural areas, including in traditional UCPN(M) strongholds,” said Dr. David Pottie, associate director of the Democracy Program at The Carter Center. “Nonetheless, serious incidents of Maoist violence and threats, as well as lingering ‘psychological fear’ from the conflict, persist in some areas.”

In most of the Tarai, political space was reported as generally free, mainly because no single party or group was seen as having either the capacity or intent to close space. However, armed group violence continues to have an effect in some areas, with UCPN(M) cadres seemingly disproportionately targeted. It remains difficult to determine the degree to which these attacks are based on political motives as opposed to personal or other factors.

Nepalis interviewed for the report held mixed views on whether the current improvements in political space will be sustained during future elections. Many were optimistic but said that the integration and rehabilitation of Maoist combatants should be completed in order to ensure the next elections are credible and genuinely democratic. Others spoke of a culture of political obstruction in Nepal, and expressed doubts that the future electoral environment would be better than in 2008. A large number also noted the inability of police and administration officials to guarantee open political space due to political interference, widespread impunity, and a lack of police resources.

The report is based on detailed findings gathered by Carter Center observers from 25 districts in Nepal between February and June 2011. Since June 2009, teams of observers have been continuously deployed to observe the peace and constitutional drafting processes at the local level. Observers spoke with political party members, civil society representatives, police and government officials, and citizens at the district headquarters and Village Development Committee levels.

Summary of Key Recommendations:

- The UCPN(M), Government of Nepal, and all parties to the peace process should take all necessary steps to complete the integration and rehabilitation of Maoist combatants, and implement fully all outstanding peace process commitments,
- All parties should increase their efforts to use the political space available currently and should increase their communication and support to local-level party members,
- The UCPN(M) should fully implement the party's commitment to political freedom, with a focus on areas where clear violations have taken place,
- The Government of Nepal should target areas of known political space problems for increased police presence and attention from district-level officials, and
- All parties should cease interference in police investigations and enforcement of the rule of law.

Working to support peace in Nepal since 2003, The Carter Center deployed an international election observation mission to observe the 2008 Constituent Assembly election. The Center has remained in country to observe the constitution drafting efforts, peace process, and voter registration process with a focus on the local level. Read all recent Carter Center reports at <http://cartercenter.org/countries/nepal-peace.html>

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**POLITICAL SPACE IN NEPAL:
AN ASSESSMENT OF RECENT CHANGES AND FUTURE CHALLENGES**

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I. INTRODUCTION

The freedom of political parties to organize and conduct activities, and the freedom of citizens to support the political party of their choice without fear or threat of violence, are core principles of democracy.¹ However, these principles have been heavily contested at various points throughout Nepal's recent history. For thirty years of Panchayat rule, political parties were banned and all of their activities by necessity were underground. After the 1990 *Jana Andolan* (People's Movement), multi-party democracy was restored and political parties were able to operate openly. However, with the onset of the Maoist conflict, political space was once again severely limited, particularly outside of urban centers. Non-Maoist political leaders and party members were often displaced, forced to join the Maoists, or killed, while suspected Maoists and their sympathizers were targets of state and police brutality, including arbitrary detention, torture, disappearances, and extrajudicial killings. Following former King Gyanendra's 2005 takeover, many political and civil society leaders in Kathmandu were arrested and basic democratic freedoms were further curtailed.

Given this history, one of the most closely watched and contested issues in Nepal's peace process has been the degree to which political space has re-opened for all of Nepal's parties and for its citizens since the end of the conflict. Starting with the 12-point Memorandum of Understanding (MoU) signed in November 2005, the Maoists committed to allow political leaders, party workers and supporters of all parties to return to and conduct political activities in areas from which they had formerly been displaced. Similar commitments were included in several subsequent peace process agreements. In a sense, part of the deal between the Maoists and the then-Seven Party Alliance (SPA) was that the Maoists would allow the other parties political space at the local level, and in exchange, the SPA would open space for the Maoists in national-level politics.²

The opening of political space at the local level is also deeply linked to one of the main debates ongoing currently at the national level: the degree to which the Maoists have – or have not – “transformed” into a party that accepts and implements democratic norms and values. Senior leaders of the Nepali Congress, the Communist Party of Nepal-Unified Marxist Leninist (CPN-UML), and other parties continue to express concern with what they see as the failure of Unified Communist Party of Nepal-Maoist (UCPN(M)) cadres to transform, the party's refusal to fully respect the freedom of other parties to operate at the local level, the lack of full implementation of key peace process commitments regarding return of property and other issues,³ and most importantly the continued presence of Maoist combatants living in cantonments.⁴ The Maoists, for their part, contend that they have transformed and are now fully committed to democratic politics.⁵

Given this debate, and its implications for the future, this report attempts to assess political space at the local level in Nepal today, nearly five years after the signing of the Comprehensive Peace Agreement (CPA), and more than three years after the CA election. The report focuses in particular on

¹ See, for example, the Universal Declaration of Human Rights articles 13(1), 19, 20, and 21(a), which provide for freedom of peaceful assembly and association, freedom of opinion and expression, freedom to take part in government directly or indirectly, and freedom of movement and residence, available at: <http://www.un.org/en/documents/udhr/>. See also the International Covenant on Civil and Political Rights, available at: <http://www2.ohchr.org/english/law/ccpr.htm>.

² Carter Center interview with Prashant Jha, 2011. The Seven-Party Alliance (SPA) was a coalition of seven main political parties (including the NC, NC-D, CPN-UML, NSP-A, Janamorcha, ULF, and NWPP) that formed a joint front following then-King Gyanendra's February 2005 takeover and helped lead the *Jana Andolan II* (People's Movement II) in 2006. Following this, the SPA went on to form an interim government and to engage in peace negotiations with the Maoists.

³ See, for example, The Carter Center “Land Commitments in Nepal's Peace Process: What has been achieved to date?” June 22, 2010 and The Carter Center, “Political Party Youth Wings in Nepal,” February 28, 2011.

⁴ For example, in April 2011, NC president Sushil Koirala alleged that, “The Maoist leaders talk about democracy but act just the opposite. They are hypocrites.” See “Statute hinges on Maoists, says Sushil,” *The Himalayan Times*, April 24, 2011. In December 2010, senior CPN-UML leader K.P. Oli called on the Maoists to “to renounce politics of violence, detach themselves from arms and weapons and transform into a responsible civilian political party.” See “K.P. Oli calls on Maoists to transform into civilian party” *The Himalayan Times*, December 11, 2011.

⁵ See, for example, the recent comments of Barshaman Pun (“Ananta”) regarding the Maoists' transformation into a democratic party at a party program in Rolpa. “Maoists have become a democratic party: Pun,” *The Kathmandu Post*, May 1, 2011.

the most significant political space concerns that were raised during the CA election period – Maoist behavior and the activities of Tarai armed groups – and attempts to address the following questions:

- Are all Nepali political parties currently free to organize and conduct activities throughout the country? If not, how is their political space limited, by whom, and where?
- To what degree are Nepali political parties using the political space available to them?
- How has political space changed since the Constituent Assembly election of 2008?
- What expectations do citizens, political party members, government officials, civil society, and other groups have for the future, and particularly for the next national election?

The Carter Center wishes to express its deep thanks to all of the political party members at the national, district, Village Development Committee (VDC), and ward levels who shared their experiences with Carter Center observers, as well as to the Nepali officials, civil society members, journalists, and citizens who have generously offered their time and energy to facilitate this report. The report deals with difficult questions, and complicated answers, in the hope that it can make a useful contribution to the ongoing discussions, debates, and various points of view on the issue of political space in Nepal today.

Notes on how to read this report: For the purposes of this report, the Carter Center defines open political space as the ability of all of Nepal’s political parties to organize and conduct activities freely, without harassment, intimidation or violence from the state or from other parties. Also included is the ability of Nepali citizens to freely choose which political party they support without fear or threat of violence, to speak openly about their political affiliation, and to change their affiliation if they desire.⁶ It is important to note that limitations on political space can be difficult to measure and to verify, particularly during times of low political activity such as is the case currently. While some examples are clear-cut, such as one party physically preventing another from conducting activities in a particular area, many are not. For example, intangible factors such as lingering “psychological fear” from the conflict can play a significant role in an individual’s perception of whether political space is open or closed, and therefore their willingness to engage in political activity. Such perceptions are important but are difficult to document and validate. To the extent possible, The Carter Center has attempted to clearly indicate when statements are based solely on perceptions rather than on verifiable incidents.

Additionally, it is also important to recognize that though this report refers to the 2008 CA election period as a point of comparison, there are significant differences between that period and the current one. Most importantly, the level of political competition is much lower at present – with no election looming in the near future, the incentives for parties or other groups to limit political space for their rivals are reduced. Thus, some of the findings in this report may be partly attributable to the current low stakes political environment, rather than to any fundamental or structural changes. The decade-long conflict, direct rule by then-King Gyanendra in 2005-06, and the extended election period in 2007-08 have left little comparable baseline against which changes in political space can be easily measured; the present period has no obvious recent precedent. Given this, the CA election period provides the most relevant, though clearly imperfect, point of comparison. Overall, the Center believes there is value in trying to understand and assess political space during the current period, both as a way to determine the degree to which commitments in the CPA and subsequent agreements

⁶ In areas where Carter Center observers were told that all parties could conduct activities freely and where few or no allegations of political space limitations were reported, observers generally designated these areas as “free” or “mostly free.” Where there were multiple credible reports or confirmed incidents of parties or citizens having their space limited and multiple interviewees noted problems with political space, observers generally designated these areas as “partly free” or “not free” depending on the number, frequency, and severity of incidents involved. For example, areas where particular parties could not establish offices due to political space limitations were considered “not free.” Finally, areas where the majority of interviewees reported improvements in political space and could provide relevant examples were deemed “improved.” The Center did find areas that were deemed both “not free” and “improved,” meaning that there was consensus that the environment had gotten better but there were still significant political space problems reported.

have been implemented, and also in order to establish an impartial baseline against which future changes in political space can be measured.

II. METHODOLOGY

Since June 2009, The Carter Center has been observing the peace process and constitution drafting process in Nepal, with small teams of national and international observers deployed throughout the country. The findings included in this report are based on data gathered by Carter Center observers during this period. Additionally, from February through June 2011, the Center deployed observers to collect detailed information on political space in 25 districts across the country.⁷ The sample includes areas where political space was seen as particularly limited during the 2008 CA election period, such as hill and mountain districts in the Mid- and Far-Western Region, and districts in the Central Tarai. Altogether, observers have conducted more than 4,000 interviews on political space and security environment issues throughout Nepal since the outset of the Carter Center's observation efforts in 2009.

For this report, Carter Center observers visited district headquarters and multiple VDCs in each district to understand the recent political history, context, and current political space challenges. Observers interviewed political party representatives, government officials, civil society representatives, journalists, and citizens, and wherever possible attempted to verify claims about political space with multiple interviewees. In each interview, observers asked about the ability of political parties to organize and conduct activities freely, any limitations on political space, recent incidents of concern, perceptions about the current situation, and expectations for the future. In cases where credible political space concerns were noted, identifying information has been withheld in order to maintain the security and confidentiality of the individuals with whom the Center spoke. Due to limited capacity, the Center was not able to gather systematically information about political space concerns for civil society organizations.

This report also draws on data collected by Carter Center observers during the 2007-2008 CA election process. During that period, the Center had six international observer teams based throughout Nepal gathering information on political party activities, campaigning, political space issues, the security environment, and the management of the electoral process. This information was published in a number of Carter Center reports and statements released between April 2007 and November 2008.⁸ Additionally, detailed district-level observer reports have been kept on file at the Carter Center and provided source data for comparisons between political space in the 2007-2008 CA election period and the present.

III. SUMMARY OF MAIN FINDINGS

In nearly all districts visited across the country, there is broad consensus that political space has opened since the 2008 Constituent Assembly election period, although challenges remain. In general, political parties are able to conduct public and internal events without interference, including in areas that were problematic during the CA election period. Party, civil society, and government interlocutors at the district and VDC levels cite improvements in Maoist behavior and, in parts of the Tarai, a decline in armed group activity as reasons for the improvement but note that problems continue in some areas.

Despite the reported improvement in political space, the overall level of political party activity in the past year has been relatively low, meaning that this space remains partly untested. Much

⁷ Observers gathered information between February and June 2011 from six mountain districts (Darchula, Bajura, Bajhang, Mugu, Jumla, and Sankhuwasabha), seven hill districts (Achham, Rukum, Pyuthan, Gorkha, Tanahu, Dhading, and Ramechhap) and twelve Tarai districts (Kailali, Kapilvastu, Rupandehi, Chitwan, Parsa, Bara, Rautahat, Mahottari, Saptari, Siraha, Sunsari, and Jhapa).

⁸ Available at: http://cartercenter.org/news/publications/election_reports.html#nepal

political party work at the local level has focused on internal rather than public activities, and the public activities that have taken place have been concentrated in district headquarters and municipalities rather than at the VDC level. In the absence of widespread public party activity, particularly in VDCs, it is difficult to fully evaluate the openness of political space. Party members frequently cited a lack of guidance and instructions from their central leaders as the cause of this inactivity.

Throughout Nepal, many interlocutors report that UCPN(M) cadres are gradually moving away from a “conflict-era mentality,” including in Maoist-dominated areas. However, serious incidents of Maoist violence and threats, as well as lingering “psychological fear” from the conflict, continue in certain areas. Improvement in Maoist behavior is one of the main reasons cited for the opening of political space throughout Nepal, and is evidenced by the ability of the NC and UML to re-establish committees in some VDCs previously considered Maoist dominated, and for parties such as the Rastriya Janamorcha (RJM) to freely promulgate an anti-federalism agenda even in Maoist strongholds. However, there remain credible examples of Maoists using threats and violence to limit political space for other parties and, in a very few cases, of identity-based organizations. Additionally, the presence of Maoist combatants in cantonments continues to have a negative effect on perceptions of political space.

In most of the Tarai, political space was reported as generally free, mainly because no single party or group was seen as having either the capacity or the intent to close political space. However, armed group violence continues to have an effect in some areas. The number of political actors in the Tarai has multiplied since the end of the conflict, especially in Madhesi-majority areas, and no single party or group is considered dominant. Armed group violence remains, however, and UCPN(M) cadres and leaders seemingly have been disproportionately targeted. It is difficult to determine the degree to which these attacks are based on political motives, as opposed to personal or other factors.

Although largely inactive, smaller parties are generally free to organize, conduct activities, and participate in local development bodies. Smaller parties have little influence in district affairs compared to larger parties, and frequently complain of being marginalized in all-party mechanisms and local development planning. Those promoting an anti-federalism or pro-monarchy agenda appear to potentially face a hostile environment from other parties; however, there have been very few actual incidents of obstruction.

With a small number of exceptions, most identity-based organizations have not restricted the ability of political parties and other groups to hold public activities, nor have they had their own activities restricted. The majority of identity-based organizations are advocating their agendas using peaceful and lawful means, and there are very few examples of open contention between these groups and more established political parties. However, factions of the Federal Limbuwan State Council have obstructed a small number of RJM anti-federalism programs in the East, while UCPN(M) cadres in Gorkha obstructed members of the Chhetri Samaaj who were traveling to a rally in February 2010.

In most areas, political parties say they are partly or mostly free to participate in local development bodies, and parties generally report good cooperation on development matters. In the absence of elections or other major campaign events, much of the work of local party branches is to participate in local development institutions. In general, parties say that they have good cooperation in these institutions. However, in practice this sometimes appears tied to the significant financial incentives to do so; observers frequently heard reports of parties “dividing up the budget” for their own benefit or to direct funds to party-affiliated groups or contractors. Parties also sometimes accused each other of trying to “dominate” local bodies, and there have been clashes in some districts over the composition of school management committees, users’ groups, and awarding of development contracts.

In some areas of Nepal, there is very little non-political space. Since the initiation of the peace process in 2006, the role of political parties at the local level has expanded. Thus, while the focus of this report is on the level of open political space for parties themselves, it is worth bearing in mind the varying degree of open space for individuals who are not politically-affiliated. A monitoring officer with a District Administration Office in the Eastern Tarai expressed a common complaint: “People who are not affiliated with any political party do not have their voice heard.”

Some interlocutors are optimistic that the improvement in political space since the CA election period will be sustained, while others believe that the next election period will be more competitive and more violent than in 2008. Nepalis interviewed for this report had mixed views on whether the campaign environment in future elections would be more or less free than in 2008. Although some believed that the next election would be less violent, they also frequently said that in order to make the current improvements sustainable, the integration and rehabilitation of Maoist combatants must be underway or completed before the next election. Others speculated that the NC and UML had “learned their lesson” from 2008 and would adopt more aggressive tactics in future polls. Finally, many interlocutors also noted that the ability of police and administration officials to guarantee open political space remains limited by political interference, widespread impunity for politically-affiliated individuals, and lack of police resources.

IV. POLITICAL CONTEXT AND RELEVANT AGREEMENTS

Political space during the 1990s and the conflict period

Political space has rarely been completely free in Nepal. Rather, during the 1990s, Nepali political parties at times used violence, threats, and other methods to close political space for their competitors and to manipulate elections.⁹ Such tactics were employed by a range of parties. For example, during his 1991 election campaign, former NC leader Girija Prasad Koirala had to flee a campaign meeting in Pyuthan when he was attacked by CPN (Masal) supporters attempting to enforce their electoral boycott. By contrast, at around the same time, Informal Sector Service Center (INSEC) reported that in Rolpa, “local elections were held in a one sided manner...and candidates of other political parties (non-Nepali Congress) were not allowed to file their nominations.”¹⁰ Party leaders associated with the former Panchayat system were often particular targets of obstruction during this period.¹¹ As Hoftun, Raeper, and Whelpton wrote in 1999, “As well as possible official tampering with the polls, it is common knowledge [in Nepal] that where any party has a strong majority in the area around a polling booth, its activists may use their superior numbers to intimidate both election officials and supporters of rival candidates.”¹²

Another form of restriction of political space evident in the 1990s was the use of state mechanisms by the party in power to limit the political space of the opposition, leading at times to violent clashes between the police and opposition parties. After the formation of the NC-led government in 1991, it was reported that “communist activists in outlying districts began facing harassment from the local administration, working in league with local [Nepali] Congress politicians.”¹³ In particular, the police reportedly used arbitrary arrests and in some cases torture to deny space to the United People’s Front Nepal (UPFN) especially in Rolpa and Rukum districts. Meanwhile, there were numerous incidents of the UPFN attacking NC activists.

⁹ See, for example, International Crisis Group, *Nepal’s Political Rites of Passage*, September 2010, p.23, Whelpton, John, “The General Elections of May 1991,” in Michael Hutt (ed.), *Nepal in the Nineties*, New Delhi: Oxford University Press, 1993, p. 68, and Hoftun, Martin, William Raeper and John Whelpton, *People, Politics and Ideology: Democracy and Social Change in Nepal*, Kathmandu: Mandala Book Point, 1999, p. 251.

¹⁰ Thapa, Deepak and Bandita Sijapati, *A Kingdom Under Siege: Nepal’s Maoist Insurgency, 1996 to 2003*, Kathmandu: The Print House, 2003, pp. 68-69

¹¹ After the Panchayat system fell, parties formed by the former Panchayat leaders were frequently obstructed from conducting political activities such as public meetings. Officials and even some staff in places such as universities were removed for their reported allegiance to the former regime. Hoftun, et al., op. cit., pp. 155, 159. See also Whelpton, op. cit., p. 68.

¹² Hoftun, et al., op. cit., p. 251

¹³ Thapa and Sijapati, op. cit., pp. 68-72.

During the insurgency, the situation on the ground changed drastically. Maoists attacked local-level politicians from other political parties and forced them from their areas of influence in an increasing number of districts. NC local politicians were the primary targets.¹⁴ As a result, the support base of non-Maoist political parties was significantly weakened, and their ward and VDC-level structures eliminated in some places.¹⁵ At the same time, the state security forces also used violence to target supporters, or alleged supporters, of the Maoists such as in so-called “Operation Kilo Sierra Two,” launched in May 1998.¹⁶ Overall, political space was effectively closed in large parts of the country, especially in the later years of the conflict.

Political space and Nepal’s peace process

In November 2005, the SPA and the Maoists unveiled a 12-point MoU in which many of the core principles of the peace process were established. Primary among these was the Maoists’ commitment to “create an environment to allow the people and the leaders and workers of the political parties, who [were] displaced during the course of armed conflict, to return and stay with dignity...and to allow them to carry out the political activities without any hindrance.”¹⁷ Following the April 2006 *Jana Andolan II* (People’s Movement II), a formal peace process was initiated between the SPA and the Maoists. In the May 2006 Code of Conduct for Ceasefire the two sides both reiterated their mutual commitment to prohibit any obstructions to political activity. These commitments were codified in the November 2006 Comprehensive Peace Agreement, in which both sides agreed to “create an atmosphere where the Nepali people can enjoy their civil, political, economic, social, and cultural rights,” to “respect individual freedom of speech, expression, association, and peaceful assembly,” and to ensure the “freedom to participate in peaceful political activities.” Similar commitments were made in subsequent agreements such as the December 2007 23-point agreement, the April 2008 10-point commitment, and the June 2008 agreement to amend the constitution and move the peace process forward.

Political space during the Constituent Assembly election period

The Carter Center directly observed the Constituent Assembly election process from March 2007 through May 2008 and reported regularly on serious political space concerns observed in the hills, mountains, and Tarai. Altogether eight Carter Center statements noted serious challenges in the pre-election security environment and urged appropriate action by the Government of Nepal and political parties. For example, in his November 2007 speech to Nepal’s parliament, former U.S. President Jimmy Carter noted “unacceptable” levels of “violence, harassment, and extortion” by the Maoist youth wing, the Young Communist League (YCL), and Tarai armed groups.

Nonetheless, reports of parties threatening, intimidating, and using violence against their rivals – particularly within areas of one-party dominance – increased throughout the pre-election period. The Maoists and the YCL were responsible for the majority of incidents of intimidation, harassment, and violence against members of other political parties, particularly in hill and mountain districts.¹⁸ At the same time, the Maoists were also the victims of serious violence, including the killing of eight Maoist cadres in Dang two days prior to the election. The Center also reported that, in direct contravention to

¹⁴ Ibid., p.154.

¹⁵ International Crisis Group, op. cit., p.23.

¹⁶ Thapa and Sijapati, op. cit., p. 92.

¹⁷ 12-Point Understanding Concluded between the Seven Political Parties and the Communist Party of Nepal (Maoist), November 22, 2005.

¹⁸ Examples of such incidents were reported by The Carter Center: “YCL cadres attacked Nepali Congress (NC) mass meetings in, for example, Darchula and Tanahu districts during the month of February 2008...In Gulmi and Gorkha, the Maoists were said to have threatened bodily harm to other parties in the area. In VDCs of Dadeldhura district, some NC cadres were allegedly expelled by the Maoists. In Baitadi district, eight UML cadres were reportedly intimidated and injured by a group of Maoist supporters. In the more remote villages of the hill and mountain districts, it was often only the Maoists, specifically YCL cadre, who had a presence, and activists of other political parties at times stated that they could not venture out into villages because the YCL would beat, abduct, or even kill them. In Jajarkot, for instance, the YCL prohibited the RPP candidate from speaking to villagers and confiscated the party’s electoral material.” The Carter Center, “Observing the 2008 Nepal Constituent Assembly Election,” November 2008, p. 28.

previously signed agreements, armed Maoist combatants left their cantonments around the country in order to campaign, contributing to a general climate of fear and intimidation. Additionally, and continuing a pattern from the 1990s, in the early pre-election period parties perceived as royalist were often the most prominent targets of threats and harassment. However, the Carter Center also reported that claims of infringement on freedom of movement were assessed to be more numerous than actual instances. In some areas, claims by party workers in district headquarters that it was too dangerous for them to venture out were contradicted by statements from villagers who said that the security situation was calm and party workers simply did not want to take the trouble to visit them.¹⁹

By contrast, political space concerns in the Tarai during the CA election period were mainly linked to the increasing presence of and violence by armed groups claiming to support a pro-Madhesi political agenda. While government officials (particularly VDC secretaries) and citizens were most affected, the armed groups also took clear steps to limit political space for parties. Maoist leaders and cadres were killed by armed groups in districts including Bara, Mahottari, and Rautahat. In September 2007, the Tarai Tigers issued leaflets warning the Rastriya Prajatantra Party (RPP) to stay away from villages in Mahottari and Dhanusha; RPP district leaders reportedly withdrew to Kathmandu. In Banke in January 2008, 15 bombs went off one day before an SPA rally along with a press statement from the Janatantrik Tarai Mukti Morcha - Jwala Singh (JTMM-JS) and the Madhesi Tigers threatening to kill any Madhesi supporters of these parties who did not renounce their affiliation within two weeks. Tensions also ran extremely high between Madhesi parties and the Maoists, especially following the killing of 26 Maoist cadres by MJF supporters in and around Gaur, Rautahat in March 2007.²⁰ In the following months, district-level Maoist leaders in the Tarai reported to Carter Center observers increasing feelings of insecurity, with one representative in January 2008 calling the situation “pure anarchy” and demanding the government send more police to maintain law and order.

V. DETAILED FINDINGS ON POLITICAL SPACE IN NEPAL TODAY

Following the CA election period, there has been little information available about the level of open political space across the country, particularly in areas considered to be Maoist strongholds and in the parts of the Tarai that continue to be affected by insecurity. The findings that follow are intended to serve both as an update on the current status of the main political space concerns observed during the CA election period, and as a baseline against which future changes could be measured, for example during a future election campaign.

1. In nearly all districts visited across the country, there is broad consensus that political space has opened since the 2008 Constituent Assembly election period, although challenges remain.

Interlocutors in nearly all districts visited reported that there has been a clear improvement in political space since the CA election, and in many districts throughout the country members of all parties said they currently have little or no difficulty holding party activities and traveling freely.

While there are multiple reasons for this positive change, in hill and mountain districts the main explanation given is an improvement in Maoist behavior over the last three years. For example, in Bajura, all political parties reported the ability to hold party activities in all VDCs without fear of interference from other parties or groups; the UML was confident of its ability to operate even in areas which were previously considered to be Maoist dominated, and a senior NC member described the environment at the VDC level as “free from fear.” In Pyuthan, all parties said political space had improved and none of the party members interviewed at either the district headquarters or VDC level believed there were widespread political space issues or obstructions of party activities. Similar

¹⁹ Ibid., pp.28-30.

²⁰ For more details on this incident, see OHCHR-Nepal, “Findings of OHCHR-Nepal’s Investigations into the 21 March Killings in Gaur and Surrounding Villages,” April 2007.

sentiments about improved political space were expressed in multiple hill and mountain districts such as Rukum, Jumla, Darchula, and Dhading.

Improvements in political space since 2008 were also widely reported in Tarai districts visited. There, in addition to changes in Maoist behavior, the primary reason appeared to be the improved security environment and reduction in armed group activities. In districts such as Kapilvastu, Saptari, Parsa, and Mahottari, representatives from all political parties reported a largely free environment in which to organize and conduct activities as compared to the CA election period.

However, despite these reports of improvement, serious problems continue in certain parts of the country and are described in detail in Sections V.4 and V.8. Additionally, there continues to be skepticism about whether the improvements are sustainable or whether they may be limited to the present period only, described in Section VI.

2. Despite the reported improvement in political space, the overall level of political party activity in the past year has been relatively low, meaning that this space remains partly untested.

With several notable exceptions, much political party activity has been confined to internal organizational work and membership distribution, making it difficult to evaluate the freedom of parties to hold public events. For example, the Nepali Congress focused on VDC-level internal meetings and district-level elections across Nepal in the several months prior to their September 2010 national convention. Similarly, observers verified that in several districts the NC had undertaken membership drives and trained members and cadres. The mass meetings held by the NC in April and May 2011 were major exceptions to the party's emphasis on internal events. Likewise, the UML has conducted training in many districts and some VDCs to update members on central-level activities and developments. The limited number of UML public events have centered around visits of central-level leaders, ministers, and CA members to the districts. The UCPN(M) has also focused more on internal events after the party's May 2010 week-long bandh. However, it has held more regular public events than other parties, especially at the VDC level, including public receptions for visiting central-level leaders and mass meetings to commemorate "Martyrs Day" and the anniversary of the second Jana Andolan.

This focus on internal activity and lack of public activity continues a trend observed by The Carter Center during the CA election period. Campaign activity by most major parties began in earnest only in March 2008, one month prior to the election. And even then, observers noted that most parties made little effort to campaign in remote or rural areas, focusing instead on urban centers and district headquarters. As is the case today, the UCPN(M) was an exception: it began campaigning earlier than other parties, and made significantly more effort to campaign in rural areas and remote VDCs. (However, non-Maoist parties sometimes argued that due to political space problems, they were not able to campaign as widely as the Maoists at that time.)

3. Many party members interviewed cited a lack of guidance and instructions from central-level leaders as a key reason for the lack of public activities and therefore the failure to use opening political space.

Many party representatives visited, particularly from non-Maoist parties, cited a lack of guidance and instructions from central-level leaders as a key reason for the lack of public activities. For example, in Rautahat, members of several parties said their leaders were focused on national-level discussions about government formation and were not interested in local activities. Also, in several districts, party members believed that internal, national-level factional disputes needed to be resolved before their local branches could become active. For instance, in Sunsari, district leaders of several parties noted that factional disputes at the central-level meant that no one centrally was reviewing and approving their proposed activities. Similar sentiments were expressed in many districts visited.

Some interlocutors also noted that there is little incentive for political parties to conduct public events because there is no upcoming election and most parties do not have a clear message to share with the Nepali public. However, this approach has left local cadres disappointed, and the voter registration process in particular, as well as key state restructuring debates and other issues provide the political parties with sufficient grounds for public outreach, should they be interested.

NC members in particular expressed disappointment with the lack of instructions and support from senior leaders. A district committee member in a Mid-Western hill district complained that “many NC cadres, especially in remote places, are demoralized due to a lack of party support.” In another hill district, NC leaders said that the central level rarely pays attention to local issues and almost never visits the district; the Tarun Dal chairperson said, “It is the NC party ego—it is the oldest party so they do not feel the need to reach out. This is costing the party dearly.” In a Western region Tarai district, VDC-level NC representatives complained about a lack of encouragement and support from the district level, and said that visits and meetings would boost the morale of local supporters. Similar issues were also reported to Carter Center observers during the CA election period. By contrast, the NC rallies in municipalities across Nepal in April and May 2011, as well as the June 2011 meeting of NC district presidents in Kathmandu, are encouraging signs that the party may be increasing its engagement with its cadres and with the public at the local level.

4. Throughout Nepal, many interlocutors report that UCPN(M) cadres are gradually moving away from a “conflict-era mentality,” including in Maoist-dominated areas. However, serious incidents of Maoist violence and threats, and lingering “psychological fear” from the conflict, continue in certain areas throughout the country.

In the vast majority of districts observed, it was reported that Maoist behavior has improved over the last three years; however, concerns about Maoist violence, threats, and intimidation remain in some areas. As one non-Maoist party representative in Rukum district said, “The Maoist war ego has significantly decreased but it is not completely removed. You can feel it in their language, not in weapons. But people are not scared any more and can now speak openly in most VDCs.” In nearby Jumla, a UML representative told Carter Center observers that Maoist cadres had “transformed their behavior and have stopped intimidating people. In addition they made an effort to improve relations with other parties.” Across multiple districts, the improvement in Maoist behavior was repeated and was generally attributed to: Maoist cadres losing their “wartime” or “conflict-era” mentality and becoming more “democratic”; citizens losing their fear of the Maoists due to greater exposure to the party and its increasingly long time “above-ground”; and Maoist participation in consensus-based politics at the local level, such as on DDC and VDC councils. Other interlocutors noted that internal splits within the Maoist party leading to a lack of party cohesion could also be partly responsible for the change in Maoist behavior at the local level, while still others speculated that Maoist behavior in recent months has improved because the party is currently in government.

When political party members, civil society, and citizens spoke about Maoist cadres losing their “conflict-era” mentality, they often pointed to the ability of other parties to establish committees, hold events, move freely in rural areas, and build support amongst citizens as evidence. For example, in a number of hill and mountain districts considered to be Maoist-dominated, the RJM has been able to hold public anti-federalism events without problems.²¹ An RJM representative in a Mid-Western hill district told Carter Center observers, “Unlike during the conflict, these days our party can campaign in Maoist controlled areas.” A UML representative in another Mid-Western hill district echoed this sentiment, saying that as compared to one or two years ago, his party cadres no longer feel fearful to organize events or speak openly about their political affiliations. Similarly, in a heavily Maoist-dominated area of the Far Western mountains where in 2009 non-Maoist party representatives were visibly fearful to speak to Carter Center observers, by 2011 observers noted that the situation was slowly improving – the RPP had formed a small VDC presence and the NC and UML were much

²¹ However, some interlocutors speculated that the RJM was able to hold activities in these areas without interference partly because Maoist cadres did not see the party as posing a credible challenge to their dominance.

more comfortable to speak publicly – although political space in the area remained far from free. In the same district, during ward elections to a steering committee for a proposed conservation area, the NC and UML won a considerable number of seats in polls that interlocutors noted were “surprisingly free of conflict.”

In addition to other parties feeling increasingly comfortable to organize in areas where the Maoists are strong, citizens also reportedly feel freer to attend non-Maoist political party programs. A UML representative in a Mid-Western hill district told Carter Center observers that higher citizen participation in UML public events in his district indicated that citizens are also losing their fear of the Maoists and feel increasingly free to show public support for non-Maoist parties. In another Mid-Western hill district, an NC supporter said, “The Maoists used to intimidate, but not any longer.” More and more, as a citizen in a Far-Western hill district put it, people see the Maoists as “just another political party.”

In some districts, Maoists themselves spoke about their change in attitude. One Maoist interlocutor said, “Of course our mentality has changed, everything has changed since the conflict.” A Maoist student leader in another district admitted that during the conflict other parties had not been able to speak freely and contrasted this with the present situation in which many people are openly involved with other parties and the Maoists are just one party among many. Another said, “The people are much more empowered now, ask anyone and they will tell you the same.” Several Maoists mentioned instructions from the central level not to hinder the activities of other political groups, including district committee members in two Far-Western Hill districts who said these instructions had come after the resignation of the M.K. Nepal-led government.²²

However, in certain areas, Carter Center observers heard reports of credible incidents of Maoist violence intended to close political space for other parties. For example, in one Mid-Western hill district where the UML had become increasingly active over the past year, there were multiple clashes reported between the Maoists and the UML in politically competitive VDCs; Carter Center observers were told of a UML attempt to hold an assembly which was then attacked by the YCL, an attack on an internal UML program in another VDC, and multiple attacks on a UML program for a senior party leader in a third VDC. In two districts in the Far West, Carter Center observers were told by Nepali Congress members that they could not open offices in particular VDCs because no one would rent them an office space out of fear that the building would be attacked by Maoist cadres. Finally, in a Western Region hill district, the UML reported they were renewing existing party memberships but were not giving out any new memberships due to fear that they would accidentally approach UCPN(M) supporters, particularly in new and unfamiliar areas. In the same district, a UML member was reportedly stopped by Maoist members on his way to gather support from remote VDCs for a district Youth Federation convention; he was advised to turn around, which he did. Overall, of the districts visited by Carter Center observers for this report, geographical areas reported to be of particularly serious concern with regard to UCPN(M) control of political space included eastern Rukum, northern Gorkha, VDCs near the shared border of Darchula-Baitadi-Bajhang, and eastern Kailali (especially near the cantonment).²³

Even in districts that were reportedly calm and completely free for all parties to organize activities, there were often one or two incidents that were cited as evidence of continued Maoist violence or threats, or a small part of the district was still considered to be of concern. For example, in Dhading all interlocutors reported that the situation had improved and most party members said they had not faced any interference during their internal party activities. However, they also mentioned that a UML member was killed in the northern part of the district in October 2010, allegedly by Maoist cadres. In Chitwan, an administration official and other interlocutors told Carter Center observers that

²² However, in Ramechhap one non-Maoist party member saw this as a reason not to trust the change in the Maoists as “their behavior depends on the Maoist central committee’s instructions” and thus they could revert back to violence if directed to do so.

²³ This list is meant to be indicative on the basis of 25 districts visited by Carter Center observers for this report. It should not be considered a comprehensive list of areas with serious political space concerns throughout the country.

space was completely free for all parties; however, shortly thereafter there was a widely reported incident of Maoist cadres attacking an RPP public event led by central-level leader Bikram Pandey, which some interpreted as a signal that the Maoists were still willing to act against potentially serious political challengers.²⁴

Also, there is some indication that the ability of Maoist cadres to leave the party in certain districts may be limited. In Mugu, Rukum, Darchula, Sankhuwasabha, and Tanahu, Carter Center observers received reports of incidents related to changing of party affiliation. For example, in Sankhuwasabha a former Maoist party member left to join the Nepali Congress after the CA election and was threatened, assaulted, and ultimately forced to leave the district after the Maoists demanded a large sum of money from him; local villagers were also warned against helping the individual or joining rival parties in the future. The Maoists admitted this activity, and claimed the individual had been working as a spy for the Nepali Congress. However, it should be noted that problems around changing political affiliations are not exclusive to the Maoists; observers have heard scattered instances of tensions over members of non-Maoist parties changing their affiliations as well. For example, in Sunsari the UML reported that a clash between NC supporters and its own cadres had taken place due to the NC's attempt to "co-opt" UML cadres.

Finally, some interlocutors emphasized that the continued presence of Maoist combatants in cantonments around the country reinforces "psychological fear" amongst non-Maoist party cadres and citizens. The cantonments serve as a physical reminder that the Maoists retain the capacity to return to conflict or to use violent and aggressive tactics to achieve their aims. Even some individuals living in districts far away from the camps noted that the existence of the cantonments has a psychological effect on political space, especially in more remote areas, and will continue to do so until the reintegration and rehabilitation of Maoist combatants is complete (see Section VI, "Expectations for Future Elections").

5. The Carter Center has found some examples of non-Maoist parties making use of the increasingly open political space in Maoist strongholds. However, in many cases parties do not appear to be doing so, due to a combination of factors.

Given the reported opening of political space since the 2008 CA elections in Maoist strongholds, non-Maoist parties including the UML, Nepali Congress, RPP, RJM and RPP-Nepal have increasingly been able to open offices and conduct programs in areas where they could not do so previously, and are trying to regain support lost to the Maoists during the conflict. In Bajhang, the UML reported that it has established committees in every VDC and that it has attracted several hundred new members since it began a recruitment drive in late 2010. In Darchula, the RPP-N was able to conduct VDC-level programs without difficulty. Finally, in Gorkha, NC party members have sought to re-establish offices in several VDCs where the party had been weakened during the conflict.²⁵

At the same time, while in many places parties have been able to make peaceful use of the newly open political space, in some districts Carter Center observers found that areas with increased political space potentially saw more clashes than those without. In Rukum, Chitwan, and Mugu, for example, incidents between the Maoists and other parties resulted when non-Maoist parties showed a capacity to attract substantive support, thus potentially reducing the support for the Maoists. Clashes can be more likely to occur in these areas with semi-open or changing political space because cadres feel more confident that their party can protect them, whereas in areas of one-party dominance this may not be the case. Given this, a peaceful-looking environment is not by itself a sufficient indicator for

²⁴ "14 injured in Maoist-RPP scuffle," *Republica*, April 27, 2011.

²⁵ In most cases in Gorkha, this was reported to have been successful and completed without opposition from the Maoists. However, in one VDC the issue was contentious and observers heard allegations of Maoists vandalizing a new office. Overall, the situation in parts of Gorkha appears to remain tense, and the NC has complained of alleged recent assaults on its members by UCPN(M) cadres. "NC calls to shun Maoist meetings: accuses UCPN-M cadres of beating up activists," *The Himalayan Times*, June 20, 2011.

open political space; instead, it can mean quite the opposite – that one party is so dominant no others dare challenge it and thus no clashes or other incidents take place.²⁶

Carter Center observers also frequently found that in districts where political space was reported as “improved” or “open,” it was often not being used by the NC, UML, and other parties, prompting some interviewees to argue that these parties were simply being “lazy” or just did not want to reach out, and were using “fear of the Maoists” as an excuse. The reasons for the relative lack of non-Maoist political party activity at the district and VDC level are complex, and vary significantly by location. While Maoist behavior and fear of Maoist cadres are factors, many of the same reasons for low party activity described previously in Section V.3 also apply in these areas, including: a lack of central-level instructions and support, a lack of cadres in the area, strategic decisions to focus resources elsewhere, and national political deadlock creating a non-conducive environment to go out to the VDCs. For example, in Pyuthan most parties said that due to the national political deadlock, there were no directives to conduct public activities in the districts and VDCs, and offered this as the main source of their inactivity rather than Maoist pressure.

A Maoist cadre in one remote and heavily Maoist-dominated VDC in the Mid-West, who had been with the UML before the conflict, shared his views about the reasons for the lack of non-Maoist presence in his area. First, in his VDC many non-Maoist cadres were killed, displaced, or joined the Maoists during the conflict. Thus, there are no longer any active cadres in the VDC to reform NC or UML committees. Second, cadres who joined the Maoists during the conflict (either out of their own volition or because they were forced to) have now achieved high positions within the party and are reluctant to give these up and rejoin the NC or UML. Third, people are still fearful of the Maoists in the VDC and would be reluctant to show public support for any other party. Fourth, the Maoists have delivered development in this VDC, earning the good will of the public, and a number of senior Maoist leaders have visited the VDC. It would therefore be difficult for the NC and UML on the basis of promises alone to convince people that they would be equally able to deliver development to the VDC. Therefore, while the UML, for example, has re-organized elsewhere in the district, it has not done so in his VDC, seemingly making a calculation that it would not be a good use of scarce resources to focus its efforts in this location and has instead centered its attention on areas that are more politically competitive.

6. The Center found a small number of examples of the NC and UML disrupting other parties’ events. However, for non-Maoist parties, “muscle” in politics during the post-election period has been used more for control over local development resources and protection of party members than to obstruct other parties’ events and activities.

Although the large majority of alleged obstructions, threats, and intimidation reported to observers were committed by UCPN(M) cadres, Carter Center observers found a small number of examples of the NC and CPN-UML applying similar tactics. For example, in Mugu the NC reportedly broke the microphone being used at a Nepal Workers and Peasants Party (NWPP) program when the speaker denounced the “big three” parties and specifically an NC minister. In the same district, the UML attacked a program organized by the NC leading to serious injuries, allegedly due to unhappiness that the NC was organizing in a UML-dominated VDC. Nonetheless, overall, aggressive efforts to control political space by non-Maoist parties have focused on control of local development bodies and contracts, and not on disruption of other parties’ events and organizations. Parties also employ “muscle” to protect party events, or to retaliate in the case of incidents, which can lead to violent clashes.²⁷

²⁶ Other analysts have also noted this trend. See for example: Adhikari, Aditya, “The oligarchic republic,” *The Kathmandu Post*, June 21, 2011.

²⁷ The Carter Center has previously reported on the role of party “muscle” (and, in particular, party youth wings) in obtaining development tenders and protecting party cadres. See, The Carter Center, “Political Party Youth Wings in Nepal,” February 28, 2011.

This follows a similar trend observed during the CA election period. While the Maoists were responsible for the majority of incidents during that time, they were also not the only party to use tactics of fear and intimidation to protect their strongholds. For example, in one constituency of Baglung, the RJM reportedly prevented campaigning, and in Doti, CPN-UML and Maoist district committee members complained they were unable to campaign freely in an NC candidate's VDC.²⁸

7. In most of the Tarai, political space was reported as generally free, mainly because no single party or group was seen as having either the capacity or the intent to close political space.

In Tarai districts visited such as Kapilvastu, Rupandehi, Rautahat, Parsa, Bara, and Saptari, Carter Center observers were told that political space was open. In Rautahat, interviewees appeared surprised by the very idea that political space might be closed, saying, "Of course we're free!" Interviews with district and village-level cadres of numerous parties supported these assertions, and the claims of open space appear credible. However, the low level of recent public political activity, particularly at the VDC level, does make these assertions difficult to verify.

At the same time, a fairly strong geographic division of party presence and activity was observed in most Tarai districts, in which Madhesi parties reported a lack of party presence in the Pahadi-majority northern parts of the districts while NC, UML, and UCPN(M) were relatively weaker in the Madhesi-majority southern parts of the districts. In general, the absence of Madhesi parties north of the East-West highway may be explained by a strategic calculation by these parties that they are unlikely to gain much support in Pahadi-majority areas and thus that it is not worthwhile to invest resources to organize there, rather than due to any political space problems. Only in Kapilvastu and Rupandehi was it reported that these divisions had an impact on political party activity. In Kapilvastu, the UML reported planning activities in the southern VDCs in such a way that cadres would not have to stay overnight in these areas. Additionally, a Maoist representative said that though his party could hold programs freely in southern VDCs, the participants in these programs could be "scolded or intimidated" after the party left. In Rupandehi, a Maoist leader said that cadres did not travel to some southern VDCs alone, explaining, "There is anti-Maoist sentiment in the minds of some people, who would not even want to hear the name of UCPN(M)."

8. Armed group violence continues to have some effect on political space, especially in the Central and Eastern Tarai. Additionally, UCPN(M) cadres and leaders appear to have been disproportionately targeted, although it is difficult to determine the degree to which these attacks are based on political motives, as opposed to personal or other factors.

During the 2007-2008 CA election period, armed group violence and general insecurity limited political space for members of nearly all political parties, and most severely for non-Madhesi parties. Numerous incidents of violence against government officials, party members, and citizens contributed to widespread insecurity and a reluctance of party members and candidates to campaign. Communal tensions between Madhesis and Pahadis also deterred Pahadi candidates from visiting Madhesi-majority areas and vice-versa. The situation was complicated by perceptions that deployment of police, the overwhelming number of whom were Pahadi, could in some cases worsen rather than improve the situation.

A reduction in armed group activity since 2008 has been an important factor in opening political space in some districts, especially in the Central and Eastern Tarai. Observers have also noted that communal tensions have decreased in this period. Nonetheless, in some areas armed groups and general criminality and insecurity still appear to be reducing the level of political space. For example, in Sunsari and Jhapa, several interviewees claimed that political parties avoided organizing events in VDCs along the Nepal-India border because cadres could be subject to violence from cross-border

²⁸ The Carter Center, "Observing the 2008 Nepal Constituent Assembly Election," November 2008, p. 29.

armed groups. Similarly in Bara, interviewees reported no immediate political space problems but consistently spoke about potential threats to political space in terms of the high levels of criminal violence. Finally, in Mahottari, a petrol bomb was thrown at a bus carrying UML supporters returning from a rally, with responsibility taken by JTMM (Rajan Mukti). The UML said the bomb would not affect the “zeal” of their cadres, but would cause citizens to be more fearful. NC leaders in the same district said the motive of armed groups was to “create an environment of threat.”

The Maoists in particular appear to have been the political party most affected by the activities of armed groups and overall insecurity in the Tarai. In the past year alone, there have been several high-profile killings and assaults on UCPN(M) members in the Tarai, apparently by armed groups. For example, in May 2011, a Maoist district committee member from Siraha was killed by motorcycle-borne gunmen near his home. In Rupandehi in June 2010, a Maoist cadre was shot and killed, allegedly by JTMM-Goit. Another Maoist cadre was killed in Rautahat in January 2011, and one in Dhanusha in February. And in May 2010, three Maoist cadres were killed in Bara, allegedly by members of the Tarai Mukti Morcha. Additionally, there have been several attacks on Maoist offices. For example, there was an attempted bomb attack on the Maoist office in Kapilvastu in January 2011, but the bomb failed to detonate and no one was seriously injured. JTMM claimed responsibility for the attack, although this was disputed by some other parties.

It is difficult to ascertain the motivations for the killings and attacks against the Maoists. However, in interviews with The Carter Center, Maoist leaders have been reluctant to label the attacks as politically motivated, and deny that armed group activity has affected the ability of their party to operate openly. This was repeated by Maoist representatives in Saptari, Kapilvastu, Rupandehi, Bara, and Mahottari. In Bara, a UCPN(M) representative said the motivation for a recent attack was unclear, and that it could have been political or personal. In Rautahat, a Maoist speculated that a UCPN(M) state committee member was killed by an armed gang who had been hired by the victim’s disgruntled relatives in cooperation with political rivals. In Siraha, a senior Maoist said a recent murder had nothing to do with politics.

In Bara, Kapilvastu, Rupandehi, Rautahat, and Siraha, civil society members and members of non-Maoist parties speculated that the killings might be “revenge” attacks against individual Maoist cadres, possibly in retaliation for actions committed by these cadres during the conflict. In Rupandehi, many people believed that the killings were committed by armed group members who were former Maoists and have personal grievances with individual Maoists, or by individuals from the Madhesi community who allegedly suffered at the hands of the Maoists during the insurgency. The involvement of some UCPN(M) cadres in activities such as smuggling and local development contracting could also bring them into disputes with criminal organizations.²⁹ Such factors could also be at play in the much smaller number of armed group assaults on members of non-Maoist parties, such as the February 2011 killing of a UML cadre in Morang.

9. Although largely inactive, smaller parties are generally free to organize, conduct activities, and participate in local development bodies. However, they are sometimes marginalized by larger parties, and in a few cases have faced obstruction of their activities.

Most smaller parties are conducting few activities, and the activities they do conduct are usually confined to a small number of districts. Of the smaller parties, the RJM and RPP-N have been the most active across Nepal, while the Federal Democratic National Front-affiliated FLSC has been active in the Eastern Region. RJM has campaigned against federalism in a number of visited districts, including public rallies in district headquarters and door-to-door pamphleting in some places. The RPP-N has held VDC-level public events in some districts, such as facilitating a visit by former crown

²⁹ The Carter Center reported on the involvement of YCL and, to a lesser extent, the UML-affiliated Youth Force in smuggling and local development tenders in its February 2011 report on political party youth wings. See The Carter Center, “Political Party Youth Wings in Nepal” op. cit.

prince Paras Shah to Kailali, organizing a street protest in Saptari, and pamphleting in Sankhuwasabha. In general these parties have not faced interference in their work.

However, small parties, or parties without a strong base in a particular district, sometimes spoke of harassment and “humiliation” from large parties, such as large party representatives asking their cadres why they support “such an insignificant and powerless party that has nothing to offer.”³⁰ In several districts, members of smaller parties complained that their views were not taken seriously in all-party mechanisms. Representatives of large parties often dismissed the complaints of small parties by claiming that the only reason a person would join a small party is to get access to the financial benefits that come from attending District Development Council (DDC) and VDC all-party mechanisms.

Small parties seen as anti-federalist or pro-royalist appeared to face the greatest threat of restricted political space. An RPP-N representative in the Western Region said that “by raising a monarchist agenda, we are seen as thugs in the current context of the country.” In Mugu, a Maoist representative said, “It is very clear that, if any party were to hold an event against federalism or pro-monarchy, they would be obstructed by any of the big three parties. They would not even be allowed to enter the VDC...I can’t even imagine that they would be allowed to operate in the district headquarters.” In Sankhuwasabha, the RPP-N reported that potential supporters had been called “royalists and feudalists” and threatened by CPN-M (Matrika Yadav) cadres not to join or attend party functions, which affected the ability of the party to expand in the district. In Siraha, representatives of several Madhesi parties said that anti-federalist parties would be obstructed and gave a detailed explanation of the steps they would take to do so; in the words of one, “in a democracy everybody is supposed to be free to conduct their programs, but we have been fighting for federalism for a long time.” Finally, in Mahottari, Tarai Madhes Democratic Party (TMDP), CPN-UML, and the UCPN(M) all said anti-federalism programs would not be tolerated. However, despite these verbal intentions to restrict space for such parties, in reality the Center found very few examples of parties actually taking steps to do so.³¹ Additionally, in many districts party representatives clearly affirmed that “everyone is free to carry out their activities in a democracy and multi-party system.”

10. With a small number of exceptions, most identity-based organizations have not restricted the ability of political parties and other groups to hold public activities, nor have identity-based organizations had their space limited.

As noted in previous Carter Center reports, the majority of identity-based organizations are engaged in peaceful advocacy, which is often cultural rather than political in nature.³² Similarly, in only a few cases do identity-based organizations, including more aggressive groups that have contributed to insecurity in the past, have a negative impact on the ability of political parties and other groups to operate.

A notable exception is a small number of instances of FLSC obstruction of RJM anti-federalism programs in eastern Nepal. In December 2010, cadres of FDNF-affiliated FLSC and FLSC-Sanjuhang prevented the RJM from holding a public event in Jhapa. An FDNF representative admitted that his cadres had seized RJM banners and pamphlets, and told The Carter Center that the RJM should not organize anti-federalism activities because doing so is “against” the interim constitution’s commitment to federalism. In Udayapur in January 2010, FLSC-Sanjuhang cadres defied an RJM anti-federalism bandh, leading to clashes. In Sunsari, a representative of FLSC-Sanjuhang told observers, “All political parties are free here. But if they are against federalism, they will be obstructed,” implying that they would block such programs. Similarly, in Sankhuwasabha the

³⁰ For example, the Madhes Janadhikar Forum – Democratic (MJF-D) has formed in several hill and mountain districts, including Mugu and Achham, but has faced questions about its existence in these locations.

³¹ For example, the RPP-N held an anti-federalism rally in Saptari in April 2011 with no problems.

³² For further information on the activities of identity-based organizations, see The Carter Center, “Federalism and Constitutional Issues in Nepal: Perspectives from the Local Level,” February 22, 2010, and The Carter Center, “Update on Local Political and Peace Process Trends,” November 2010.

FDNF-affiliated FLSC said that anti-federal parties were weak but that the party would resist them if they attempted to expand. However, despite the FLSC's aggressive rhetoric, the number of actual incidents remains low.

The more established political parties have also rarely obstructed the ability of identity-based organizations to conduct their activities. Again, there have been a small number of notable exceptions. In February 2010, the YCL in Gorkha blocked buses carrying members of the Chhetri Samaaj to a rally in Kathmandu to oppose ethnic federalism.³³ In Kailali, the UCPN(M)-affiliated Tharuwan State Committee issued a press statement against a bandh called by the Tharuhat Autonomous State Council (TASC). Following several clashes, nearly 200 UCPN(M) cadres – some of whom many locals believe came from the nearby cantonment – then encircled the TASC office, leading to the intervention of the Armed Police Force and the Nepal Police.

11. In most areas, political space in local development bodies is partly to mostly free; parties generally report good cooperation on development matters and are usually free to express their views. However, parties sometimes accuse each other of trying to “dominate” local bodies, and there have been clashes in some districts over the composition of school management committees and users’ groups.

When asked to assess political freedom in their districts, party leaders frequently mention party relations on local development bodies. 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 a major activity of district and VDC party branches. The ability of parties to participate in local governance is thus one useful indicator of the degree of political space at the local level.

In most districts, parties, government, and civil society interlocutors reported that district and VDC councils operated on a consensual basis and were mostly free of major conflict. 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.” Parties often operate by an informal norm that their influence on district and VDC-level bodies should be in proportion to their relative organizational strength, and they divide positions and influence accordingly. Acceptance of this norm can be grudging, especially for smaller parties who often complain of being left out of decision-making, but appears to moderate the amount of conflict on VDC and DDC councils. In practice, many interlocutors described this cooperation as parties’ “dividing up the budget” according to their own interests, and noted that there is financial incentive for parties to agree quietly on “who gets what” projects and positions.³⁴

School management committees (SMCs) and users’ groups, most of which are ward-level bodies, were more disputed. SMCs have a range of responsibilities, including the appointment and dismissal of certain categories of teachers. Users’ groups (also known as consumers’ committees) are responsible for management and implementation of local development projects such as irrigation and roads. Parties frequently accuse one another of trying to “dominate” these bodies, and the Carter Center documented numerous cases of party efforts to influence SMCs and users’ groups. Sometimes, this took the form of political parties monopolizing key positions in their own strongholds, about which other parties complained but often tacitly accepted. Other times, the competition was violent in nature. In particular, appointment and dismissal of teachers by SMCs, and elections to key positions on SMCs, are among the more frequent sources of inter-party conflict. As a journalist in Rukum noted, SMC elections frequently lead to “‘turf wars’ between political parties,” including clashes between party cadres.³⁵

³³ The Carter Center, “Update on Local Political and Peace Process Trends,” November 2010.

³⁴ More detailed information is available in a forthcoming Carter Center paper on the role of political parties in local development bodies.

³⁵ Although school management committees and users’ groups are intended to be apolitical citizens’ bodies, in many areas political parties have strong influence or control over them. The Carter Center also reported about party competition in local development in its February 2011 report on party youth wings and its December 2010 report on political dispute resolution.

Finally, although helpful in understanding local political space, party relations on local development bodies are not an unambiguous indicator. For example, parties may cooperate on a VDC council but have difficult relations on a users' group or SMC in the same VDC. Similarly, the norm of dividing influence according to party strength may create an image of normalcy that masks one-party dominance; the inability of other parties or unaffiliated citizens to participate meaningfully in local governance may go quietly unnoticed.

12. The ability of police and administration officials to guarantee open political space is limited by political interference and lack of resources.

Many violations of political space – such as threats, intimidation, and violence – are criminal acts. However, as The Carter Center has reported previously, serious political disputes are most often handled directly between the parties involved, and sometimes in all-party meetings, rather than through the legal system. Although charges are sometimes filed, police and administration more often serve as mediators rather than as law enforcers in these cases, and the charges themselves are often treated as bargaining chips. This appears to be due to the significant pressure that political parties can place on individual police officials, a cultural preference for mediation, and in some cases a lack of police resources.³⁶ However, it is also clearly related to the larger structural problem of weak enforcement of the rule of law during Nepal's ongoing "transition" period.

Complaints about political interference in police work were widespread, both from police themselves as well as from parties, civil society, and government officials.³⁷ For example, a senior police official in the Far West noted that, in politicized disputes, intervention 'from above' is likely. He added that when political party members are arrested the police offer the political parties the opportunity to manage the dispute privately in lieu of proceeding with formal charges. A UML member in the same district admitted that his party intervenes in order to keep their own members from facing charges or being arrested. In addition, in some districts, particularly in the hills and mountains, a lack of police presence in remote areas prevents them from being effective in guaranteeing open space, such as where a handful of police are often tasked with patrolling multiple VDCs. For example, not a single interviewee in Mugu believed that the police had the capacity to secure or guarantee political space. Many saw this as a reason why political clashes continue: cadres can engage in clashes without facing any consequences.

Despite their limitations, the police are generally seen as contributing positively to overall security and political space, and a number of interviewees believed that strengthened police presence would be an important contribution to the fairness of future elections. In Ramechhap, for example, in a VDC that was reported to observers as Maoist dominated and not fully open to other parties, a police station was established one month prior to Carter Center observers' visit. VDC political representatives reported that they could already see the benefit of the police presence, and the NC expressed optimism that they would now be able to open an office in the VDC.

³⁶ For more details, see The Carter Center, "Brief Overview of Political Dispute Resolution at the Local Level in Nepal," December 30, 2010.

³⁷ According to USIP survey data, many citizens believe that political interference is among the major obstacles to effective police functioning. In a recent survey, 86.3 percent of citizens believed that "political interference in enforcing the law equally" had a "significant" or "moderate" negative impact on the work of the Nepal Police. The survey also noted "contradictory answers" among political party members of the acceptability of political pressure on the police; more than half said that political parties should "determine the actions of the Nepal Police," and 31 percent said they would "organize a protest" if a member of their party were arrested, yet nearly all said that the police should not release suspects on the basis of political pressure. See United States Institute of Peace, "Calling for Security and Justice in Nepal: Citizens' Perspectives on the Rule of Law and the Role of the Nepal Police," 2011, pp. 69-76, 108-113.

13. Finally, in some areas of Nepal, there is very little *non-political* space.

Since the initiation of the peace process in 2006, the role of political parties at the local level has expanded due in part to the transitional political environment, the weakness of the state, and the lack of elected and accountable local bodies. Political parties are now involved formally and informally in key aspects of local governance, enforcement (or non-enforcement) of the rule of law, and development activities – to name just a few areas. The degree of party engagement varies by district; some districts, such as Mugu, are heavily politicized and nearly all aspects of public life are affected by political party affiliations, while in other districts the sphere of political party influence is more restricted. However, across the country it is increasingly difficult to find areas where political parties do not play at least a minor role. Thus, while the focus of this report is on the level of open political space for political parties themselves, it is worth bearing in mind the oversize role that parties currently play in Nepal and the varying degree of open space for individuals who are not politically-affiliated.

The most prominent examples of this can often be found on issues related to local governance. A monitoring officer with a District Administration Office in the Eastern Tarai expressed a common complaint: “People who are not affiliated with any political party do not have their voice heard.” In VDC and DDC councils, this is by design. However, even school management committees and users’ groups, which are intended to be citizens’ bodies, in practice are frequently monopolized by political parties.³⁸ In Tanahu, for example, ordinary citizens were often excluded from leadership of users’ groups, with the leadership positions typically divided among party members. In some cases, posts were even distributed to political party members from outside the ward where the project was taking place, in violation of the regulations. Similarly, in one SMC selection process in Kaski observed by the Carter Center, the date for the meeting was decided by political parties, the most prominent invitees were the local party representatives, and parents who were not party-affiliated had no opportunity to approve or contest the decision on SMC chairmanship, which was reached behind closed doors (with YCL members standing outside).

VI. LOCAL EXPECTATIONS FOR FUTURE ELECTIONS

Looking forward, some interlocutors were optimistic that the improvements in political space over the last three years would be sustained, and pointed to a decrease in the level of fear citizens have about engaging in politics. In a Far Western Hill district, NC and UML representatives said that, although there would be disputes during any upcoming election, the ability of the UCPN(M) to intimidate citizens had decreased. In a Maoist stronghold in a Mid-Western hill district, several government, party, and civil society representatives noted that, during the CA elections, the UCPN(M) had just “emerged from underground” and that people were uncertain of their objectives and intimidated by their tactics, but that future elections would not be held under the conflict’s shadow.

Other interviewees believed that any improvements in political space would be tied to finalization of key peace process commitments, notably the integration and rehabilitation of the PLA. For example, an RPP-N representative in the Eastern Tarai said, “If the government is able to reintegrate and rehabilitate the PLA, there is a good chance the next elections will be free and fair.” NC and UML leaders in a Mid-Western hill district echoed this belief; the UML leader said that no elections should be held until reintegration and rehabilitation was complete, while his NC counterpart explained the PLA, if not integrated, could “decide to come out of the camps” and cause security problems.

Despite the broad consensus that political space has opened since 2008, there was also skepticism that improvements would be sustained, often tied to concerns about overall poor security and state weakness. In a Western hill district, one VDC-level NC member explained that “The government...

³⁸ Researchers have also described a pattern of “local elites entering SMCs in order to pursue their broader political interests.” See Stephen Carney, Min Bista, and Jyette Agergaard, “‘Empowering’ the ‘local’ through education? Exploring community-managed schooling in Nepal,” *Oxford Review of Education*, Vol. 33. No. 5 (November 2007), p. 13.

should provide security to the people during an election. But in 2008, police did nothing and we could not go to cast our votes.” An NC member in the Far West had a similar view, and said technical efforts to reduce irregularities, such as new voter identification cards, would be insufficient without adequate police presence. In the Central Tarai, a UCPN(M) leader claimed that the CDO and police worked together to assist a party to capture polling booths and suggested there was a risk of such collusion happening again. And, in a Central Region district, a police official believed that parties would still have the capacity to capture booths in any future election, as he said they did in 1991 and 2008.

Other skeptics pointed to a continuing political culture of employing fear and intimidation as election tools and said the incentive to do so remained in place. A Limbuwan representative in Eastern Nepal said, “Obstruction is tradition in Nepali politics... All political parties want to win and they’ll do anything to do so.” In the Central Tarai, a journalist speculated that the NC and UML had underestimated the UCPN(M) in 2008 and will use more aggressive tactics in future elections, including youth wings and links with criminal groups; an RJM member in the same district believed the NC and UML had “learned their lesson” in the last election and that the next polls would be highly competitive and more violent. A journalist in the Far Western Tarai remarked that “nowadays everybody knows how to make a bomb. However, some interviewees noted that any future violence could be cyclical; as a users’ committee member in Gorkha put it, “During the next election, things may be a bit difficult, but afterward it will be okay again.”

VII. CONCLUSION AND RECOMMENDATIONS

This report attempts to document the current status of political space in Nepal and to provide a baseline for the future. Its main finding is that political space has opened since the CA election period but that this space is largely not being tested by Nepal’s political parties, making it difficult to assess fully how open the environment is for all parties to organize freely. A second important finding is that, in many districts, the behavior of Maoist cadres has reportedly improved and their “conflict-era mentality” has lessened, leading to opening political space for other parties. However, at the same time, there are clear areas throughout the country where Maoist behavior remains of serious concern. A third significant finding is that there have been comparable improvements in political space in the Tarai, although armed group activities continue to have an effect in some areas.

As noted at the outset of this report, the issue of political space at the local level is deeply linked to the debate at the national level over the degree to which the Maoist party has transformed. This transformation involves formal steps – such as officially renouncing violence and completing the integration and rehabilitation process of Maoist combatants – which are critical and have not yet taken place. However, it also involves an informal process of transformation in the activities and attitudes of Maoist cadres at the local level, their relationships with other parties, and their relationship with the state. The observation findings in this report indicate that while the formal steps remain outstanding, the informal process at the local level is slowly moving forward. The transformation is not complete, but it is ongoing.

However, there are reasons to question the sustainability of these changes and the prospects for the future. First and foremost, the likelihood that elections will be held in the near future is low. Therefore, there are limited incentives for parties to close space for rivals at present. This can result in a false sense of security – political space looks open now, but may not be in the future. In many districts across the country, for example, Carter Center observers were told that the Maoists retain the capacity, through their sheer numbers, their youth wing the YCL, and their overall organizational strength, to close political space for other parties when they choose to. At the same time, just being better organized and more active by itself cannot be automatically labeled foul play.

Second, the overall political culture of Nepal, in which limiting the space for other parties has been commonplace (particularly during election periods),³⁹ remains at least partly intact. While the Maoists have been responsible for the majority of incidents reported to observers, it is likely that when the next election nears other parties may once again attempt to employ similar tactics in their stronghold areas. In this respect, political space in Nepal can be understood at the local level in terms of each party's capacity to protect its cadres and its strength to "take on" other parties – essentially the physical number of cadres in a given district or VDC, the party's capacity to mobilize them, and the party (or individual candidate's) willingness to use unfair, aggressive or violent tactics.

Third is the seemingly increasing tendency for political parties to turn to "muscle" – be it party youth wings, armed groups, or local thugs – to ensure they retain access to power at the local level. As The Carter Center has reported previously, the YCL and to a lesser extent the Youth Force continue to engage in negative activities aimed largely at financial gain, and which have the effect of undermining political space, development and public security.⁴⁰ The June 2011 incident in which journalist Khilanath Dhakal was severely beaten in an attack allegedly ordered by Youth Force leader Parshuram Basnet provides a recent case in point. During an election period, the focus of these groups may shift towards securing support for their mother party by whatever means necessary. The Carter Center has also heard frequent allegations of links between individual political party members and members of criminal groups. All of this takes place in an environment in which impunity is rampant, and in which those with political protection are rarely, if ever, held accountable for their actions.

These factors put together paint a worrying picture for the future, despite the current positive findings of improved political space. However, it is important to balance these concerns with a recognition of the remarkable resilience of the Nepali state and of Nepal's peace process over the last five years. While challenges certainly continue to exist, significant achievements have been made, not least of which is the fact that all of Nepal's main political parties remain committed to the roadmap agreed upon at the outset of the peace process. As one analyst has written recently, "Nepali politics is slowly but steadily maturing in its democratic expressions"⁴¹ and there are reasons for optimism about Nepal's future, despite the serious obstacles en route.

In the short term, the two most prominent concerns outlined in this report – Maoist behavior and the activities of armed groups in the Tarai – are likely to remain the key determinants of political space. However, the activities of all political party youth wings, alleged links between political leaders and criminal groups, and political intervention by all parties in enforcement of the rule of law deserve close attention as well. In addition, the activities of identity groups and their effect on political space, as well as the degree of space that is open for them, will continue to be important indicators. Already, there are signs that some points of view (in favor of the monarchy and against federalism) may not be safe to express everywhere in the country, although very few incidents of repression have taken place.

Finally, in order to consolidate the improvements observed to date, it is critical that the formal steps required to complete the peace process take place: the integration and rehabilitation of Maoist combatants should be completed and the Maoist party should implement in both words and deeds their commitment to democratic principles of non-violence, freedom of movement, freedom of speech, freedom of the press, and the impartial enforcement of the rule of law. At the same time, non-Maoist parties should also take clear steps to test and use the political space available, support the impartial enforcement of the rule of law, and maintain the same commitment to democratic principles which they demand from the Maoists. Finally, the state bears the ultimate responsibility for ensuring security throughout the country, maintaining open political space for all parties, and addressing impunity to ensure a level playing field and a future electoral environment that is free and fair.

³⁹ Whelpton, op. cit., p. 68 and Hoftun, et al., op. cit., p. 251.

⁴⁰ The Carter Center, "Political Party Youth Wings in Nepal," February 28, 2011.

⁴¹ Dhakal, Ameet. "On Threshold of Great Changes," *Republica*, July 19, 2011.

The following recommendations are offered in the spirit of cooperation and respect, and with the hope that they will provide useful discussion points for future action.

The UCPN(M), the Government of Nepal, and the parties to the peace process should take all necessary steps to complete the integration and rehabilitation of Maoist combatants, and implement fully all outstanding peace process commitments. Carter Center observers frequently heard that to ensure full political freedom, the integration and rehabilitation of Maoist combatants should be completed. In order to make sure this takes place prior to the next elections, the UCPN(M), Government of Nepal, and all parties to the peace process should take all necessary steps to complete the integration and rehabilitation of Maoist combatants. Additionally, other outstanding peace process commitments such as land return and reform and formation of all relevant Commissions should be implemented fully to ensure an open environment free from fear for all citizens.

All parties should increase their efforts, especially at the VDC level, to take advantage of the reportedly open political space at present. It is understandable that public political party activity is reduced during periods between elections. However, The Carter Center encourages all parties to seek opportunities to test and use the political space that is currently available. For example, parties could consider targeted voter registration drives to ensure that existing and potential new supporters are included on the new voter list. Testing political space now, at a time when the stakes are low, could help parties re-establish their presence in areas where they are weak throughout the country. Problems with political space are likely to be easier to address now than during a future election campaign.

All parties, and in particular non-Maoist parties, should increase directives, communication, and support to local-level party members. Both district and VDC-level party members, particularly those from non-Maoist parties, voiced a desire for increased support and communication from their leaders. Engaging district and VDC-level party members now will help motivate them, keep them involved in party networks, and increase party functioning at the local level for the future. Even when public activities are limited, parties at the central level can continue to communicate with cadres at the local level to inform them about party positions on key issues and to encourage them to engage positively in their local communities.

The UCPN(M) should implement fully the party's commitment to political freedom with a focus on areas where clear violations have taken place, and should consider sanctions against party members who engage in intimidation or obstruction. Although there is widespread agreement that UCPN(M) behavior has improved since the CA election and that other parties are free to organize in many areas, serious incidents of Maoist threats and violence continue in some areas. UCPN(M) representatives at the district and VDC levels generally affirmed to Carter Center observers the right of other parties to organize and conduct activities, and should consistently live up to this commitment in both words and deeds. The Maoist party should also be prepared to sanction cadres who do not implement this commitment, and ensure they face appropriate legal consequences.

The Government of Nepal should target areas of known political space problems for increased police presence and attention from district-level officials. Credible reports persist that parties are not free to organize and conduct events in portions of some districts, such as eastern Rukum, south eastern Darchula, and southern VDCs in certain Tarai districts. These areas are limited in number across the country and are locally well-known. The Government should consider increasing police presence in these areas, many of which are remote and lack strong state presence, and should ensure that obstruction of party activities and instances of threats or intimidation are handled swiftly.

All parties should cease interference in police investigations and enforcement of the rule of law, and should take strict action against any party or sister wing cadres engaged in activities that threaten political space. Political interference at all levels prevents the perpetrators of violence, intimidation, and threats from being punished, and thereby undermines the overall freedom for political parties to organize and campaign. Though it may appear to be in each individual party's

interest to interfere on behalf of its own cadres and affiliates, all parties will ultimately suffer from a weakened security environment. Parties should also refrain from interference in police promotion, postings, and transfers.

At the local level, political parties should consider adopting a code of conduct that affirms their freedom to organize and that sets clear standards for the behavior of party members, such as has been established in some districts around the country. Though the legal framework is clear, in some districts it appears that establishing a code of conduct to which all parties agree can have a positive effect on political space and inter-party relations at the local level. Dhankuta provides a positive example of this trend. The code should reaffirm that cadres involved in obstructing or threatening members of other parties will be subject to both internal and legal action, and its implementation should be regularly monitored.

The Government of Nepal should support local staff in enforcing regulations for the formation of users' groups and school management committees, and investigate thoroughly and impartially all allegations of irregularities. The ability of VDC and district-level officials to resist political pressure in the formation and functioning of local bodies is limited. Strong central-level commitment to the enforcement of guidelines for these groups is needed.