

Transcript

Hi, my name is David Pottie. I'm currently Associate Professor at the Canadian Forces College in Toronto, Canada. But what I want to speak about was from a time when I was working at the Carter Center, based out of Atlanta, Georgia, and for the Nepal Constituent Assembly elections of 2008 that I'd like to talk about, I was, the, I guess you could say, the project manager for the Carter Center's International Election Observation Mission.

So, you know, 2008, marked a pivotal time for the country of Nepal. It was the conclusion of a 10-year civil war that ran from 1997 to the year 2007. And, there's really, there's 5, I suppose five notable headlines that maybe can help to set the scene before I share some other remarks and, and memories of the project and the process.

The first is that, you know, this civil war resulted largely in a stalemate, rather than an outright victory. And so, the Civil War was primarily conducted between a Maoist-inspired and Maoist-led armed conflict, whose principal fighters were referred to as the People's Liberation Army. And they fought primarily not against the armed forces of Nepal, so much as the armed police of Nepal. And so this was small-scale engagements, confined largely to Nepal's rural areas, but amounting over the years to some 17,000 deaths. And so a very significant, armed struggle with... that resulted in, many, many thousands of additional casualties and many, many tens of thousands of displaced people.

A second main headline is that in the waning days of the arms struggle, there was also a massive, peaceful, popular uprising, known in Nepal as Jana Andolan II. It was number two because the first Jana Andolan, or uprising, had happened in the post-World War II period of the 1950s, which really marked the start of electoral politics in Nepal. And so these were mass peaceful protests, primarily in Kathmandu, the capital of Nepal, that resulted in an important change that continued to spur on the prospects for peace and democracy in Nepal, notably, forcing the King of Nepal to relinquish emergency powers that he had assigned to himself in what had been termed a coup in the year 2005, the year before.

A third, major, element of, that shapes this moment is the very extensive practice of negotiations and bargaining. And so, the, I've referred to, a period of electoral politics starting in the 1950s, and so despite being a monarchy, there had been a kind of an ebb and flow of electoral politics in which a number of political parties became established over time. And, seven of these parties in this period form an alliance in which they dedicate themselves to a negotiated solution, not just to the Civil War, in terms of trying to find ways to deal peacefully with the Maoists, but also with the king, in particular. This approach results in a comprehensive peace agreement, in the aftermath of these popular protests, and so there is something called the Comprehensive Peace Accord, which is arrived at in November of the year 2006.

Fourth big issue is that the terms of this Comprehensive Peace Accord call for one-person, one-vote elections to happen in a very short time frame, and these elections would result in the election of a new Parliament, which would serve as a constituent assembly, with its primary task

being to draft a new constitution. The idea here then was to build a new kind of country, and the design of this new country and new government really reflected the aims of the Maoists themselves. And so, you have a situation in which a Maoist-led rebellion is, in a sense, mobilized and fighting for what look like, very much like liberal democratic ends. They principally want to seek an end to the monarchy, they want a new constitution for the country, and they want one-person, one-vote elections. And so there's kind of a confluence of interests, there's a confluence of political demands and political vision, between the Maoists and the established political parties.

And then the final headline that shapes this is really a success, in that constituent assembly elections are conducted, mind you, after more than a one-year delay, throughout the entirety of 2007. But that at the end of this process, the constituent assembly is elected, it is seated, and as its first act, in May of 2008, it calls for the end of the monarchy. The king steps down. And the Constituent Assembly is inaugurated and begins its work on the Constitution, a new constitution, to establish a secular federal democratic republic of Nepal, which is here, in the year 2026, is exactly the kind of country, not without its problems, not without many challenges across political, economic, and social fronts. But nevertheless, we can now look back at nearly 20 years of quite a remarkable success and a peaceful conclusion to a long-standing conflict.

So, I thought I would next share some remarks, really in four areas, or sort of four lessons that, kind of have stuck with me, that are more of a personal set of reflections that are derived from the events and the experiences that I had as a member of the Carter Center's election observation effort, but that maybe amplify some of the kind of more formal sets of observations and recommendations of the type that generally feature in the formal reporting of this kind of participation in a country's elections.

So the first for these, of these, really, is that the experience as an election observer mission was one of long, long-term, election observation. The Carter Center operates on the basis of receiving an invitation from a range of electoral actors and political participants. And so, over the course of 2006, in fact, owing to some of the earlier work of the Center's conflict resolution program, where connections had been made with the established political parties, as well as the Maoists, the Carter Center, in fact, received those invitations from the leaders of all of the political parties, including the Maoists, who at that time were still what you might say as an underground political party, in the sense that they weren't yet fully committed to an electoral model of political engagement, nor did they feel safe in completely showing themselves in public, I guess you could say.

So the Carter Center establishes a field office presence in early 2007 in Nepal, and there is a very compressed election calendar initially proposed, but the country is not really ready, either on the technical side of the conduct of elections, nor are the political actors ready to fully commit, in particular to a new electoral system to elect this constituent assembly, and so there's a series of delays in that calendar. Having said that, the Carter Center has already deployed what are called long-term election observer teams, and these typically would be pairs of international observers, teamed with a Nepali counterpart, who would also serve as an

interpreter. And they visited different locations across the country. Owing to these delays, in fact, the Carter Center election observers were able to visit all 75 districts of Nepal. And so, really, and in many cases, multiple, multiple times. I was not, personally, in Nepal for the full duration of that.

I typically would visit for several weeks at a time, often accompanied with a wonderful political advisor, former U.S. Ambassador Peter Burleigh, who just, had been actually one of the, in the first or second cohorts of the U.S. Peace Corps in, back in the 1960s, to Nepal when he was a young man, and had continued a lifelong connection with Nepal, and in fact, served, on behalf of the Foreign Service at one point in Nepal prior to his retirement. And so we conducted multiple visits to Nepal ourselves, and we were, owing to these delays, I was able to, I guess you could say in a much more meaningful way, make repeat contacts and repeat visits and really kind of get that sense of rapport in terms of meeting repeatedly with political actors and trying to offer the good offices of the center, as well as our expertise when it was welcomed, or might have been... might have been needed.

And I guess for me, it was also personally pretty exciting, because I was like, we get to meet, in a sense, real live Maoists. I mean, there are relatively few Maoist revolutionary movements likely to arise over the course of one's lifetime or career. And so, as I mentioned, you know, they were, in a sense, not reluctant Democrats, but they were anxious, they were nervous, and this was right to the very top of the party, including the leader, whose nom de guerre, if you will, was Prachanda (Pushpa Kamal Dahal), and his noted number two, gentleman by the name of Baburam Bhattarai, who had, I guess, at the time, kind of the reputation of being the chief ideologue for the party. But what was interesting was that I kind of anticipated that, you know, they would be interested in engaging in, kind of, ideological discussion, ideological debate, and I had been pretty well schooled in many elements of Marxist-Leninist political theory and political thought. And, thought, huh, well, I'll have a chance to kind of use this in action, use this in real life. But they really wanted none of it. It was kind of curious that, you know, they were much more interested in...I guess in many of the things that you find other political party leaders are interested in.

They are gauging constantly their reputation, the impression of other actors, interested in understanding the motives and intentions of the other political party leaders and other stakeholders in the electoral process. They were very interested in the perception of the United States government, even though we were not representatives of the United States government, being based in the U.S, they, I think, implicitly hoped that we would be able to not only shed light on the perceptions of the American government, but maybe also carry messages back to the U.S. on their behalf. Part of the reasoning for this was that, at the time, the Maoists, in fact, were on various restricted lists, defining them as a terrorist organization, terrorist movement.

And so, the Carter Center, we were able to meet with the Maoists. We were not able to, in a sense, spend money on them. Kind of the adage was, you can meet with Maoists, but you can't buy them a cup of tea, and tea was sort of a de rigueur element of all protocol and social visits in Nepal, and so presumably one could accept a cup of tea from the Maoists, even though you

couldn't buy them one. But this also meant that the U.S. diplomatic staff and the U.S. ambassador were restricted from meeting with the Maoists, and so the Carter Center was able to, to play an informal, communique, kind of role, or communicator role as an intermediary. And I'd like to think that, you know, these kinds of informal contacts were helpful, at different tense points over the course of the time that we were there.

The other thing that I remarked on was that the leaders of the other political parties, the mainstream political parties, themselves, they weren't... they didn't convey so much a sense of anxiety, so much as almost a... kind of a combined sense of exhaustion. These had been extremely challenging and difficult years. Many of the established political parties had suffered greatly at the... over the decades at the hands of the state apparatus of the monarchy and the security forces of Nepal. And so, you know, they too had their own reasons, I think, for even though they were committed, in principle to, this very uncertain political process, they were uncertain, I think, how to... quite how to operate in it. There were a lot of moving parts.

And so, for the established political parties, I think they were uncertain about a lot of these moving parts in the political system, the motives and intentions of King Gyanendra, the loyalties of the Royal Army of Nepal and its Chief of Army staff, General Katawal, at the time.

Speaking of General Katawal, he was an extremely impressive character. He was...he always received us at the, of course, at the Army headquarters, very, very tight on protocol in this, like, dark, proverbial dark oak-paneled room, with the lights laid low, except for always a very, very bright overhead fluorescent lamp, or fluorescent lamp tubes. And he was a kind of a... a taut, tense sort of powerful man, and powerful in his physical presentation, but also in his views. He was not shy in sharing his opinions, and he was a staunch monarchist. A staunch monarchist, but also frequently made reference to his commitment to, in a sense, the military esprit de corps, and so he kind of conveyed that he was walking a fine line, that he didn't trust the Maoists, of course, he didn't want to work with the Maoists, that he was apprehensive for the future of his country.

But I think, you know, the... over time, the bottom line for him was still that he would remain loyal to the country of Nepal, over and above, I guess, over and above any civilian authority, or its immediate shape of the day, and so signaling that he, you know, if he'd had his preference, the country would have remained a monarchy, but that he would, in the end, submit to a duly elected authority under the new political dispensation. But you could feel this kind of, this tension, this fight in him.

Some years later, after he was no longer the Chief of Army Staff, his term had ended, he had... the country had gone through this process, he had stepped down and retired, we visited him at his private home, and it was like we had met an old friend. He was calm, he was relaxed, he might have been wearing, you know, a proverbial cardigan, so yeah, it was kind of just this curious juxtaposition between a guy who had almost been pacing like a tense tiger in his cage, when he was the Chief of Army Staff to someone who no longer had those kinds of pressures and demands on him.

Sort of, kind of a final character or figure who was present and accompanied this process was former President Carter himself. President Carter was very interested in Nepal and had long been engaged, in different ways, and so he served as the ultimate co-leader of the election observation mission for the April elections in 2008, along with the former Deputy Prime Minister of Thailand, Surakiart Sathirathai.

President Carter also made two visits to Nepal over the course of 2007, to meet with all of the political leaders and actors that we had been meeting with, to meet in particular with the then Prime Minister, G.P. Koirala, who was the leader of the Nepali Congress Party. And President Carter, as he did in so many countries, was able to reassure political actors, of...sort of the idea of the benefits of participating in a democratic process, even as he would often, as he always did, seek reassurances from them that they would respect the process, they would respect the results of a credible election.

And, you know, and he did so in a way... and in his own way, in this way that put people at ease, and I think that that really was an important contribution to this process, that you got the sense that when he met people, that they were genuinely touched that he was thinking of them, thinking of their country, and putting in the time to come there, and really, to learn what he could and to share lessons where he could. Particularly always sort of encouraging in a way that I think isn't necessarily recognized always as contributing towards a peace process in these informal manners, and building those kinds of... building a rapport, building those kinds of contacts and connections.

So that's sort of some memories of people and actors. On kind of some of the more formal elements of, and this was a major area of debate and discussion and outright political competition, was the terms of the electoral system. So how, through what process, through what means would candidates, parties and candidates, put themselves forward to the people of Nepal, and how would the people of Nepal see their votes be structured?

Historically, Nepal had been, had operated on the basis of a first-past-the-post, constituency electoral system. But with a certain number of curiosities associated with it. If you think of Nepal, runs...the country's geography runs in an east-west band, with sort of three stripes, or three major geographic zones.

Across the top, across the north, along the border with China to the north are the Himalayas. And so this gigantic stretch of a mountain chain that's largely uninhabitable, running from east to west across the top of the country, what Nepalese refer to as the hills would certainly be characterized as mountains in almost any other place in the world, but the hills were this middle section, kind of, again, running east to west.

And then, beneath the hills was an agrarian area of flatlands known as the Terai. And along the bottom of the Terai, the southern border of Nepal, rests India. And so you have a country, in a sense, squeezed between these two giant, populous, great powers. But the election system had

organized the constituencies on a north-south basis, and so you got these vertical bands, which had been the previous basis for elections. And the dominant political actors tended to live not in the Himalayas, not in the Terai, but in the middle section of the hills. And they tended to be wealthier, they tended to be landowners, often owning agricultural lands in the flatlands. And also, in the Hindu caste system tended to be higher caste individuals, and they almost always tended to be males.

So you have a kind of a political party system that is dominated by these elites on the basis of gender, the basis of class, the basis of caste, religious, and cultural identity. At the same time, though, as Nepal has a very diverse population, at the time a numbering of about 28 million people with dozens of cross-cutting identities, across all of these categories of ethnicity, of caste, of cultural, ethnic, and linguistic groups.

And the electoral system historically had not responded to this diversity in any way, shape, or form. The Maoists were probably the most successful of the political parties at positioning themselves as the agents of change. They had much more appeal and support among young Nepalis, but also they had, owing to the nature of the armed conflict, they had embedded and sustained themselves in these rural areas, outside of the main cities and villages of Nepal, and so they had established and built connections and contacts and really tried to portray themselves as acting on behalf of the interests of these diverse groups.

In the, kind of, the political opening that is generated by the resolution, or at least the stalemate of the armed conflict, Nepalis of these many different identities begin to mobilize themselves, not just restricted to the people, as I mentioned, in the Jana Andolan, the mass political mobilization of peaceful marches in Kathmandu, in 2006, but also over the course of the kind of... as the framework is emerging for the conduct of constituent assembly elections, the historically identified ethnic groups, referred to as the Janajati, many of them begin to mobilize, and they mobilize in ways that are quite specific, in which they are seeking, for the first time, they are seeking distinct political representation and calling for seats to be reserved for them. Similarly, the residents of this southern agricultural band, the Terai, peoples known as the Madheshi, are beginning to mobilize, and multiple, multiple political parties are formed, different kinds of alliances, different kinds of social movements, and so, the shape that this starts to take is ultimately for what is known as a mixed, electoral system.

And so, for people who are interested in elections, people who are interested in electoral systems, and seeing how electoral systems can be derived or devised to respond to the diverse needs and interests for recognition, for voice, for identity, for representation, Nepal, in this period, is again, a completely exciting place. Ultimately, what is agreed to after a lot of push and pull and a lot of difficult discussions and arguments is a mixed election system of a combination of first-past-the-post constituency elections and proportional representation, party lists with important invocation of quotas to respond to some of these different groups. And so there are ultimately 335 proportional representation seats out of a total of 575, with the balance being first past the post seats.

There is a requirement for a minimum 30% women in the overall Parliament, and there are other reservations for different social groups. Dalits, who are among the lowest caste in the Hindu system as it was in Nepal, ultimately achieved 9% of the seats. The Madheshis achieved more than 30% of the seats, and the Janajati themselves, the other ethnic groups across Nepal, also [received] nearly 34% of seats. The figures don't all... the percentages don't all quite work out. There was a series of complicated mathematics arguments in which you could basically, if you could be, for example, a Madheshi woman, and so, that would tick, in a sense, two boxes in terms of representation. Without going into all of the details, you know, for me, really, I think, and for many Nepalis, what was so successful was that the Constituent Assembly was itself, hands down, the most diverse elected body ever generated in Nepal. And what better time for that than on the cusp of drafting a new constitution. And so, I think, you know, this was really a fantastic success, in terms of inclusion, in terms of participation, in terms of representation.

On kind of a third set of themes, you know, the idea of the election results and kind of formal political party representation, there were a couple of surprises here, too, that were pretty interesting. The established political parties, despite kind of presenting themselves sometimes, as I experience them, as seeming quite exhausted, really thought that they would come out on top. They thought, they felt very confident, that they had put in the work, they had remained committed over all of the decades to an electoral process.

In some ways, this was not to be. The Maoists ended up coming out as the largest party, winning about 220 of the total 575 seats, with two of the other main political parties, the Nepali Congress, which was the party of the outgoing Prime Minister, and a second political party, a leftist political party, the Communist Party of Nepal, with about 100 seats each. And so those three parties really dominated, with more than 400, almost 450 seats, among them. But with many other, smaller parties, and Madheshi parties in particular, occupying the fourth and fifth positions.

I think the... reputationally, the Maoists, as I mentioned, were able to position themselves as the party of change. They, in the eyes of the other parties, though, of course, they portrayed the Maoists as a party of intimidation. There certainly were many incidents of intimidation. There were several violent incidents across the period, not just of the formal election campaign, but in this longer pre-election campaign period of negotiations, in the wake of the formal part of the Civil War. But I think, objectively speaking, there were acts of intimidation by multiple parties. I think the Maoists, in fact, were the majority victims of violence, in general, across the board, even though this may also have been a reflection of the fact that they were, in many ways, the best organized, the most out there, the most active party, frequently through their youth wing, which arguably did not always engage in anything that you could characterize as the most positive political behavior.

So the activities of the young communists, young Maoists, certainly was not the best of political behavior in many instances, frequently resulting in shakedowns or attempts at extortion or roadblocks that really impeded Nepalis on the roadways from just trying to go about their everyday business. But I think it also reflected some of the challenges in the culture of a

movement, the culture of an organization that is in the process of, sort of, fighting for political success, but also, in a way, learning how to become a political party as it transitions from having been an armed movement.

I guess the, kind of, the final thought that I have is that I felt...I felt, really, that these were, in a way, these were transformative elections. And, I mean, elections are points in time. An enormous amount of energy and effort, from so many different kinds of political actors have to go into them. And yet, there was just always this kind of... this sense of contradiction that how could it have been that so many Nepalis had found themselves at such odds with one another that there had been this long period of armed conflict when, over the course of preparing for these elections, there seemed to be kind of a unity of purpose, there seemed to be a sense of, we're all... 'we don't all agree about how we're going to get there,' but there was nevertheless, a kind of a common cause, a shared understanding of what everybody was working towards. And I still, somewhat, feel somewhat perplexed, I guess, by that experience.

Even as, in the aftermath of these particular elections, I personally, and the Carter Center as an institution, remained present and involved through the peace process in Nepal, with a very long process of peace and constitutional drafting, monitoring through two more election cycles, two more general elections, over, for me personally, more than 7 years. And so, for me and part of my working life involved in elections, Nepal is definitely one of the places that I've been to the most in the world, and a place where I've worked for the most sustained period of time. I don't know that I can say now, looking at it quite a few years later, that I have an intuitive sense for the place, or the people, or that I even really quite understand it. Which, I guess, is just a bit of a contradiction, that often there is... the longer that you spend looking at a place or its people, the more maybe you have to honestly scratch your head and be honest that you just have a lot more to learn.

So, that's kind of where I end up, and I thank you so much for your time, and I hope that you feel inspired to maybe read, or hopefully even better, visit and spend some time in Nepal.

Thank you.